

MINUTES

2nd Ordinary Council Meeting Tuesday 15 August 2023

The Ordinary Meeting of the City of Palmerston held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, NT 0830



A Place for People

Minutes of Council Meeting
held in Council Chambers
Civic Plaza, 1 Chung Wah Terrace, Palmerston
on Tuesday 15 August 2023 at 5:30pm.

PRESENT

ELECTED MEMBERS

Mayor Athina Pascoe-Bell (Chair)
Deputy Mayor Danielle Eveleigh
Councillor Amber Garden (*via Audio*)
Councillor Ben Giesecke
Councillor Damian Hale (*via Audio*)
Councillor Lucy Morrison
Councillor Mark Fraser
Councillor Sarah Henderson

STAFF

Chief Executive Officer, Luccio Cercarelli
Deputy Chief Executive Officer, Amelia Vellar
General Manager Infrastructure, Nadine Nilon
General Manager Finance and Governance, Wati Kerta
Minute Secretary, Jodi Holden

GALLERY

Three members of staff

Initials: 

1 ACKNOWLEDGEMENT OF COUNTRY

City of Palmerston acknowledges the Larrakia people as the Traditional Custodians of the Palmerston region. We pay our respects to the Elders past, present and future leaders and extend that respect to all Aboriginal and Torres Strait Islander people.

2 OPENING OF MEETING

The Chair declared the meeting open at 5.31pm.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

Nil

3.2 Leave of Absence Previously Granted

Nil

3.3 Leave of Absence Request

Moved: Councillor Morrison
Seconded: Councillor Fraser

1. THAT the leave of absence received from Councillor Morrison for 23 August to 27 August 2023 inclusive be received and noted.
2. THAT the leave of absence received from Councillor Gisecke for 17 August to 18 August 2023 inclusive be received and noted.

CARRIED 10/955 - 15/08/2023

4 REQUEST FOR AUDIO/AUDIOVISUAL CONFERENCING

Moved: Councillor Fraser
Seconded: Deputy Mayor Eveleigh

1. THAT Council notes that Councillor Hale is attending via Audio/Audiovisual Conferencing who will be physically prevented from attending a meeting due to being a greater distance than 100km from the appointed place of meeting.
2. THAT Council notes that Councillor Garden is attending via Audio/Audiovisual Conferencing who will be physically prevented from attending a meeting due to ill health and approval has been given by the Chief Executive Officer in accordance with the City of Palmerston Audio/Audiovisual Conferencing Policy.

CARRIED 10/956 - 15/08/2023

Initials: 

5 DECLARATION OF INTEREST

5.1 Elected Members

Moved: Deputy Mayor Eveleigh

Seconded: Councillor Henderson

1. THAT the Declaration of Interest received from Councillor Giesecke for Item 25.1.2 be received and noted.
2. THAT the Declaration of Interest received from Deputy Mayor Eveleigh for Item 25.1.3 be received and noted.

CARRIED 10/957 – 15/08/2023

5.2 Staff

Nil

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

Moved: Councillor Henderson

Seconded: Deputy Mayor Eveleigh

THAT the Minutes of the Council Meeting held on 1 August 2023 pages 11093 to 11099 be confirmed.

CARRIED 10/958 – 15/08/2023

6.2 Business Arising from Previous Meeting

Nil

7 MAYORAL REPORT

Nil

8 DEPUTATIONS AND PRESENTATIONS

Nil

9 PUBLIC QUESTION TIME (WRITTEN SUBMISSIONS)

Nil

10 CONFIDENTIAL ITEMS

10.1 Moving Confidential Items into Open

10.1.1 Confidentiality Review List - 18 January to 18 July 2023

Moved: Councillor Henderson
Seconded: Deputy Mayor Eveleigh

1. THAT Report entitled Confidentiality Review List - 18 January to 18 July 2023 be received and noted.
2. THAT the following 12 Council Decisions be moved to the 15 August 2023 Open Minutes:

No.	Decision Number	Meeting Date	Item/Type	Title
1.	10/652	6/12/2022	23.1 Presentation	Presentation by DCL Hospitality - Zuccoli Tavern
2.	10/678	17/01/2023	25.1.1 Report	48 Odegaard Drive Annual Performance Report
3.	10/737	7/03/2023	25.1.1 Report	2023-24 Budget Parameters Report
4.	10/765	21/03/2023	25.1.4 Report	New Initiatives 2023 2024
5.	10/788	4/04/2023	25.1.1 Report	2023-24 Draft Operational Budget – 2nd Revision
6.	10/789	4/04/2023	25.1.2 Report	2023-24 Draft Capital Works Program
7.	10/790	4/04/2023	25.1.3 Report	2023-24 Reserve Funding
8.	10/828	2/05/2023	23.1 Presentation	Chief Minister Natasha Fyles Presentation
9.	10/849	16/05/2023	Change Order of Business	Change Order of Business
10.	10/852	16/05/2023	Adjournment of Meeting	Adjournment
11.	10/853	16/05/2023	Reconvene of Meeting	Reconvene
12.	10/896	20/06/2023	25.1.1 Report	Zuccoli - Park Name

CARRIED 10/973 – 15/08/2023

Presentation by DCL Hospitality - Zuccoli Tavern

THAT the presentation by DCL Hospitality from Guy Dunne and Andrew Case regarding Zuccoli Tavern be received and noted.

CARRIED 10/652 – 6/12/2022

Initials:



48 Odegard Drive Annual Performance Report

1. THAT Report entitled 48 Odegard Drive Annual Performance Report be received and noted.
2. THAT Council continues to undertake the following and report back to Council as required but no later than 31 December 2023.
 - a. Continue to monitor the performance of the investment property,
 - b. Investigate divestment options for the investment property
 - c. Subdivide the units to maximise potential realisable value
3. THAT Council notes that the subdivision application will be lodged with the relevant authority no later than 30 June 2023.

CARRIED 10/678 - 17/01/2023

2023-24 Budget Parameters Report

1. THAT Report entitled 2023-24 Budget Parameters Report be received and noted.
2. THAT Council approves the revised timetable for the 2023/2024 budget workshops as outlined in this report entitled 2023-24 Budget Parameters Report.

CARRIED 10/737 - 7/03/2023

New Initiatives 2023 2024

1. THAT Report entitled New Initiatives 2023 2024 be received and noted.
2. THAT Council endorse the following treatment of the initiatives contained in Table 1: Elected Member New Initiatives of the Report entitled New Initiatives 2023 2024
 - a. Library and/or garden shed at Archer Waste Facility and Domestic and Commercial food waste to be funded from within existing budget.
 - b. All-Abilities playground will be considered as part of the City of Palmerston playground strategy for consideration by the Council and that no funding is required at this stage.
3. THAT Council endorse the initiatives contained in Table 2: Council Staff New Initiatives of the Report entitled New Initiatives 2023 2024 and to be incorporated into the development of the draft 2023-24 Budget.

CARRIED 10/765 - 21/03/2023

2023-24 Draft Operational Budget - 2nd Revision

1. THAT Report entitled 2023-24 Draft Operational Budget - 2nd Revision be received and noted.
2. THAT Council notes that the 2023-24 Draft Operational budget at **Attachment 25.1.1.1** of the Report entitled 2023-24 Draft Operational Budget - 2nd Revision is still being refined.

Initials: 

3. THAT Council endorses an additional 1.5 FTEs for the next financial year, resulting in a total of 97.55 FTEs which will be included in the development of the draft 2023-24 Municipal Plan and budget.

CARRIED 10/788 – 4/04/2023

2023-24 Draft Capital Works Program

THAT this report lay on the table pending further work regarding Capital Works Program.

CARRIED 10/789 – 4/04/2023

2023-24 Reserve Funding

1. THAT Report entitled 2023-24 Reserve Funding be received and noted.
2. THAT Council endorses the following reserve movements to be included in the development of the 2023-24 Municipal Plan and Budget:
 - a) Transfers from:
 1. \$500K - Enterprise Software - allocation for the 2023-24 (Working Capital Reserve)
 2. \$250K - Where We Live Matters - Zuccoli Community (Major Initiatives Reserves)
 3. \$250K - Community Hall (Working Capital Reserve)
 - b) Transfers to:
 1. \$80K – SWELL repayment
 2. \$300K - receipt of developer contributions
3. THAT the requirements of the financial reserves are reviewed, and a report come back to Council by 31 December 2023 with an assessment of the appropriate reserve levels to fund future priorities.

CARRIED 10/790 – 4/04/2023

Chief Minister Natasha Fyles Presentation

THAT the confidential presentation by the Honourable Natasha Fyles, Chief Minister of the Northern Territory be received and noted.

CARRIED 10/828 – 2/05/2023

Change Order of Business

THAT the order of business be amended to consider item 25.1.1 prior to 23.1.

CARRIED 10/849 – 16/05/2023

Adjournment

THAT the meeting be adjourned for 5 minutes.

CARRIED 10/852 – 16/05/2023

Reconvene

THAT the meeting be reconvened.

CARRIED 10/853 – 16/05/2023

Zuccoli - Park Name

1. THAT Report entitled Zuccoli - Park Name be received and noted.
2. THAT Council endorses and supports the proposed naming of the park being Lot 15643 at the corner of Follington Street and Laniyuk Court, Zuccoli; 'Michael Ting' Park by Urbex and the Land Development Corporation for consideration by Place Names Committee (NT).
3. THAT this decision be moved to the open section of Council meeting once the park is named.

CARRIED 10/896 – 20/06/2023

10.1.2 Common Seal for SWELL Loan Documentation

Moved: Councillor Henderson
Seconded: Deputy Mayor Eveleigh

1. THAT Report entitled Common Seal for SWELL Loan Documentation be received and noted.
2. THAT in accordance with Section 38(2) of the *Local Government Act 2019*, the Mayor and Chief Executive Officer be authorised to sign and seal loan documentation with National Australia Bank in relation to the Swimming and Wellness, Events, Leisure, Lifestyle (SWELL) project for the previously Council approved \$5 million loan, which has not yet been drawn down and will be repaid over 20 years with quarterly repayments.
3. THAT the Council Decisions relating to the Report entitled Common Seal for SWELL Loan Documentation be moved to the Open Minutes of the 15 August 2023 Meeting.

CARRIED 10/974 – 15/08/2023

10.1.3 Request for Review of Rates Exemption Decision - Venture Housing

Moved: Councillor Morrison
Seconded: Councillor Henderson

1. THAT Report entitled Request for Review of Rates Exemption Decision - Venture Housing be received and noted.
2. That Council endorse the response to Venture Housing Company Ltd refusing to provide an exemption of rates being **Attachment 25.1.3.7** to Report entitled Request for Review of Rates Exemption Decision - Venture Housing and direct the Chief Executive Officer to provide a decision notice to Venture Housing, in accordance with s233(7) *Local Government Act 2019*.

Initials: 

3. THAT the Council decisions relating to Report entitled Request for Review of Rates Exemption Decision - Venture Housing be moved to the Open Minutes of the 2nd Ordinary Council Meeting of 15 August 2023.

CARRIED 10/975 - 15/08/2023

10.1.4 Men's Shed Disabled Toilet Facility

Moved: Councillor Fraser
Seconded: Councillor Henderson

1. THAT Report entitled Men's Shed Disabled Toilet Facility be received and noted.
2. THAT Council endorses the commencement of Stage 1, the Design, Documentation and obtaining of building permits to modify the premises at Shed 3 & 4-60 Georgina Crescent Yarrawonga, to provide a disability toilet.
3. THAT, subject to all approvals being obtained, Council endorses up to \$100,000 to be drawn from the working capital reserves for Stage 2 -Construction, to modify the premises at Shed 3 & 4-60 Georgina Crescent Yarrawonga, to provide a disability toilet.
4. THAT the Council decision relating to the Report entitled Men's Shed Disabled Toilet Facility be moved to the Open Minutes of the 15 August 2023 Meeting.

CARRIED 10/976 - 15/08/2023

10.1.5 Update on 48 Odegaard Subdivision

Moved: Deputy Mayor Eveleigh
Seconded: Councillor Fraser

1. THAT Report entitled Update on 48 Odegaard Subdivision be received and noted.
2. THAT the Council decision relating to the Report entitled Update on 48 Odegaard Subdivision be moved to the Open Minutes of the 15 August 2023 Meeting.

CARRIED 10/977 - 15/08/2023

10.1.6 Correspondence from the Hon Eva Lawler MLA

Moved: Councillor Henderson
Seconded: Councillor Fraser

1. THAT Council receive and note correspondence received being 26.2.1 entitled Correspondence from the Hon Eva Lawler MLA.
2. THAT this decision be moved to the Open Minutes of the 15 August 2023 Meeting.

CARRIED 10/978 - 15/08/2023

10.2 Moving Open Items into Confidential

Nil

Initials: 

10.3 Confidential Items

Moved: Councillor Henderson

Seconded: Councillor Morrison

THAT pursuant to Section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1) of the *Local Government (General) Regulations 2021* the meeting be closed to the public to consider the following confidential items:

Item	Confidential Category	Confidential Clause
25.1.1	Review of Confidential Matters	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(d) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information subject to an obligation of confidentiality at law, or in equity.
25.1.2	Council Property Agreements and Contracts	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(c)(iv) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
25.1.3	Rate Concession Assessment	<p>This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(b) of the <i>Local Government (General) Regulations 2021</i>, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information about the personal circumstances of a resident or ratepayer.</p> <p>This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(d) of the <i>Local Government (General) Regulations 2021</i>, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information subject to an obligation of confidentiality at law, or in equity.</p>
25.1.4	Council Property Agreements and Contracts	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(c)(iv) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to

Initials: 

		prejudice the interests of the council or some other person.
25.2.1	Council Property Agreements and Contracts	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(e) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.
26.2.1	Correspondence	This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the <i>Local Government Act 2019</i> and section 51(1)(c)(iv) of the <i>Local Government (General) Regulations 2021</i> , which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

CARRIED 10/959 – 15/08/2023

11 PETITIONS

Nil

12 NOTICES OF MOTION

Nil

13 OFFICER REPORTS

13.1 Action Reports

Councillor Hale left the meeting at 5.43pm due to connectivity issues.

13.1.1 Archer Waste Management Facility Service Level Review

Moved: Deputy Mayor Eveleigh

Seconded: Councillor Morrison

1. THAT Report entitled Archer Waste Management Facility Service Level Review be received and noted.
2. THAT Council retains current operating hours, listed waste acceptance, and access for City of Palmerston residents at no additional charge for the disposal of household-generated waste, for the contracted operational services at the Archer Waste Management Facility.

Initials:



3. THAT Council endorses the following amendments and increases of services to be included in the documentation for the Archer Waste Management Facility operations tender;
 - a. Separation and processing of clean timber (residential quantity and origin only),
 - b. Separation and processing of clean concrete and bricks (residential quantity and origin only), and
 - c. Establish and maintain a 'Reuse/Repurpose' location on site for reusable items such as bicycles, where these items are available freely to Palmerston residents.

CARRIED 10/960 – 15/08/2023

Councillor Hale reconnected to the meeting at 5.44pm.

13.1.2 Harvest Corner, Gray Community Garden

Moved: Councillor Henderson
Seconded: Councillor Morrison

1. THAT Report entitled Harvest Corner, Gray Community Garden be received and noted.
2. THAT Council endorse the continuation of Harvest Corner as a community garden to be provided to the Palmerston community.
3. THAT Council endorses that a public expression of interest process is undertaken for the Harvest Corner Community Garden management and operations by a third party under agreement with Council as outlined in the report entitled Harvest Corner Gray Community Garden, including the provision of a one-off established fund of \$20,000 and free use of the area under a Terms of Agreement operation for a period of three years.

CARRIED 10/961 – 15/08/2023

13.1.3 2023 Palmerston Youth Festival

Moved: Councillor Morrison
Seconded: Deputy Mayor Eveleigh

1. THAT Report entitled 2023 Palmerston Youth Festival be received and noted.
2. THAT the Mayor write to Chief Minister thanking the Northern Territory Government for the ongoing partnership for the delivery of the Palmerston Youth Festival 2023, highlighting this year's success.

CARRIED 10/962 – 15/08/2023

13.2 Receive and Note Reports

13.2.1 Major Capital Projects August 2023 Update

Moved: Councillor Morrison
Seconded: Councillor Henderson

THAT Report entitled Major Capital Projects August 2023 Update be received and noted.

CARRIED 10/963 – 15/08/2023

Initials:



13.2.2 Community Benefit Scheme - July Update

Moved: Councillor Morrison
Seconded: Deputy Mayor Eveleigh

THAT Report entitled Community Benefit Scheme - July Update be received and noted.

CARRIED 10/964 – 15/08/2023

13.2.3 Finance Report for the Month of July 2023

Moved: Councillor Fraser
Seconded: Deputy Mayor Eveleigh

THAT Report entitled Finance Report for the Month of July 2023 be received and noted.

CARRIED 10/965 – 15/08/2023

13.2.4 Elected Members - Superannuation

Moved: Mayor Pascoe-Bell
Seconded: Councillor Garden

1. THAT Report entitled Elected Members - Superannuation be received and noted.
2. THAT Council resolves to be treated as an eligible local governing body under the Taxation Administration Act 1993 and provides written notice to the Commissioner of Taxation under section 446 Schedule 1 of the Taxation Administration Act 1993 to come into effect by 8 September 2023.
3. THAT the City of Palmerston retains liability for any Fringe Benefits Tax payable because of the council decision to be an eligible local governing body.

Procedural Motion

Moved: Deputy Mayor Eveleigh
Seconded: Councillor Hale

THAT the matter lie on the table to allow Elected Members to further consider the matter and that the matter be brought back to the First Ordinary Council Meeting in September 2023.

CARRIED 10/966 – 15/08/2023

14 INFORMATION AND CORRESPONDENCE

14.1 Information

Nil

14.2 Correspondence

Nil

Initials:



15 REPORT OF DELEGATES

Nil

16 QUESTIONS BY MEMBERS

Moved: Councillor Morrison
Seconded: Councillor Henderson

THAT the question asked by Councillor Morrison regarding Lighting Up Palmerston and a community event for the Matilda's game on Wednesday and possible finals, and the response provided by the Chief Executive Officer be received and noted.

CARRIED 10/967 - 15/08/2023

17 GENERAL BUSINESS

Nil

18 NEXT ORDINARY COUNCIL MEETING

Moved: Councillor Fraser
Seconded: Councillor Henderson

THAT the next Ordinary Meeting of Council be held on Tuesday, 5 September 2023 at 5:30pm in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston.

CARRIED 10/968 - 15/08/2023

19 CLOSURE OF MEETING TO PUBLIC

Moved: Councillor Fraser
Seconded: Deputy Mayor Eveleigh

THAT pursuant to *section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021* the meeting be closed to the public to consider the Confidential items of the Agenda.

CARRIED 10/969 - 15/08/2023

20 ADJOURNMENT OF MEETING AND MEDIA LIAISON

Moved: Councillor Hale
Seconded: Councillor Morrison

THAT the meeting be adjourned for ten minutes.

CARRIED 10/970 - 15/08/2023

The meeting adjourned at 6.21pm.

The open section of the meeting closed at 6.28pm for the discussion of confidential matters.

Initials: 



A Place for People

COUNCIL MINUTES

The Chair declared the meeting closed at 7.01pm.

Chair

Print Name

Date

Initials: