



## COUNCIL MINUTES

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### LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting  
held in the Council Chambers, Litchfield  
on Tuesday 15 March 2022 at 6:00pm

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<b>Present</b>	Doug Barden	Mayor
	Mathew Salter	Deputy Mayor / Councillor North Ward
	Rachael Wright	Councillor North Ward
	Andrew Mackay	Councillor Central Ward
	Kevin Harlan	Councillor Central Ward
	Emma Sharp	Councillor South Ward
	Mark Sidey	Councillor South Ward
<b>Staff</b>	Arun Dias	Chief Executive Officer
	Leon Kruger	General Manager Infrastructure & Operations
	Nicky McMaster	General Manager Communications & Lifestyle
	Debbie Branson	Executive Assistant
<b>Public</b>	As per Attendance Register	

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#### 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the Traditional Custodians of the land on which the Council meet on. The Mayor also conveyed Council's respect to the Elders past, present and future for their continuing custodianship of the land and the children of the land across generations.

#### 2. OPENING OF THE MEETING

The Mayor opened the meeting and welcomed members of the public.

The Mayor advised that an audio and visual recording of the meeting was live streamed to Council's online platform and will remain online for public viewing in accordance with Council's Recording of Council Meetings Policy. By attending the meeting, those present agreed to comply by Council's Recording of Council Meetings Policy.

### **3. ELECTRONIC ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE**

#### **3.1 Electronic Attendance**

Nil.

#### **3.2 Apologies**

Nil.

#### **3.3 Leave of Absence Previously Granted**

Nil.

#### **3.4 Leave of Absence Request**

Nil.

### **4. DISCLOSURE OF INTEREST**

The Mayor advised that any member of Council who may have a conflict of interest, or a possible conflict of interest regarding any item of business to be discussed at a Council meeting or a Committee meeting should declare the conflict of interest to enable Council to manage the conflict in accordance with its obligations under the Local Government Act and its policies regarding the same.

#### **4.1 Elected Members**

As per Section 115 of the *Local Government Act 2019*, Cr Wright disclosed an interest in Item 14.02.06 – Telstra Tower – Bronzewing Avenues and left the meeting whilst the matter was under consideration.

#### **4.2 Staff**

No disclosures of interest were declared.

### **5. CONFIRMATION OF MINUTES**

#### **5.1 Confirmation of Minutes**

Moved: Deputy Mayor Salter  
Seconded: Cr Wright

THAT Council confirm the Ordinary Council Meeting held Tuesday 15 February 2022, 10 pages.

**CARRIED (7-0) ORD2022 11-052**

## 5.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Deputy Mayor Salter

Seconded: Cr Harlan

THAT Council receive and note the Action List.

**CARRIED (7-0) ORD2022 11-053**

## 6. PETITIONS

Nil.

## 7. DEPUTATIONS AND PRESENTATIONS

Nil.

## 8. PUBLIC QUESTIONS

### **Council Meeting Minutes – 15 February 2022**

A ratepayer expressed concern in reference to the Council minutes not accurately reflecting that although several people spoke at the Ordinary Council Meeting in February 2022 there was a “vast majority of ratepayers representing one thing” (Telstra Tower – Bronzewing Avenue) in attendance.

Mayor Barden acknowledged the comments and advised that the statement would be reflected in the minutes of this Ordinary Council Meeting.

A ratepayer also questioned the process in regards to Conflict of Interest in accordance with the Council Policy. It was advised that the process followed was in accordance with the Northern Territory Local Government Act 2019.

*Cr Wright left the meeting at 6:06pm.*

A gentleman spoke on behalf of a large representation present at the meeting from the Howard River Park Community Association. The following question was raised referring to Report 14.02.06:

*The Howard River Park Community Association have requested a copy of the lease to determine the inferred potential costs and damages associated with cancelling the lease with Telstra and questioned if this statement relating to the risk to Council is actual or perceived.*

Mayor Barden confirmed that he believed there was a risk to Council and the information was confidential.

## 8. PUBLIC QUESTIONS (Continued)

The representative also sought clarification in regards to a reference to a clause (5.4.3) in the Planning Scheme. Council Officers confirmed that even though this use was explicit in the clause it was the correct clause to reference.

The representative also questioned the zoning of the site, 390 Bronzewing Avenue which is currently zoned Conservation and a drainage reserve. The representative expressed concerned as he believed the development was in breach of Council's Development and Subdivisions standards regarding the access road. He added that there was a far more appropriate site at 220 Gunn Point Road.

The representative also questioned the CEO's response where Council has no remit to assess the electromagnetic hypersensitivity however Council Management paid a Telstra consultant to present to the Elected Council an assessment of EME effects.

Mayor Barden confirmed the consultant was organised and paid by Telstra and not by the Council Management.

The representative questioned the Mayor's opinion following the radio interview on 104.9 and Mayor Barden confirmed he remains impartial.

*Cr Wright returned to the meeting at 6:22pm.*

A member from the public questioned a network event in Adelaide that was raised at a previous Council Meeting and suggested that the Council representative attend via video conference as an alternative. He also detailed a Freedom of Information request he submitted regarding Girraween Road and expressed his disappointment with the process of transparency. He also questioned the response he received regarding feedback and believed there was an error.

A resident suggested Council acknowledge the Larrakia Nation in the Mayor's address at the beginning of meeting and also raised the lack of consultation through the development process

### **ORDER OF BUSINESS**

*Cr Wright left the meeting at 6:28pm.*

Moved: Deputy Mayor Salter

Seconded: Cr Sidey

THAT item 14.02.06 Telstra Tower Bronzewing Avenue be brought forward for consideration.

**CARRIED (6-0) ORD2021 11-054**

#### **14.02.06 Telstra Tower Bronzewing Avenue**

Moved: Cr Mackay

Seconded: Cr Harlan

THAT Council:

1. receive and note the update in the report;
2. acknowledges the hard work undertaken by the Howard River Park Community Association;
3. note the resident's disappointment with Telstra's community engagement consultancy process;
4. assist Telstra in finding an alternative site and request the interim Chief Executive Officer to investigate the option of terminating the lease with Telstra; and
5. notify the Development Consent Authority of Council's resolution.

**CARRIED (6-0) ORD2022 11-055**

*Cr Wright returned to the meeting at 6:32pm.*

#### **9. ACCEPTING OR DECLINING LATE ITEMS**

##### **9.1 Late Report – 16.2 Award Contract – RFT21-235 Maintenance of Pavement, Repairs and New Works**

Moved: Cr Wright

Seconded: Cr Sharp

THAT the late report item 16.2 Award Contract – RFT21-235 Maintenance of Pavement, Repairs and New Works, be accepted and included under Officer's reports for consideration.

**CARRIED (7-0) ORD2021 11-056**

##### **9.2 Late Report – 14.02.07 Additional Funding Requests by User Groups**

Moved: Cr Wright

Seconded: Cr Harlan

THAT the late report item 14.02.07 Additional Funding Requests by User Groups, be accepted and included under Officer's reports for consideration.

**CARRIED (7-0) ORD2021 11-057**

#### **10. NOTICES OF MOTION**

Nil.

## **11. MAYORS REPORT**

Moved: Cr Wright  
Seconded: Cr Sidey

THAT Council receive and note the Mayor's monthly report.

**CARRIED (7-0) ORD2022 11-058**

## **12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES**

Councillors appointed by Council to external committees provided an update where relevant.

Moved: Cr Harlan  
Seconded: Deputy Mayor Salter

THAT Council note the Councillors' verbal reports.

**CARRIED (7-0) ORD2022 11-059**

## **13. WORK TEAM PRESENTATION**

### **13.01 Community Services**

Moved: Cr Mackay  
Seconded: Cr Harlan

THAT Council receive and note the Work Team Community Services Presentation.

**CARRIED (7-0) ORD2022 11-060**

## **14. OFFICERS' REPORTS**

### **14.01 Business Excellence**

*Maxie Smith, Manager Corporate Services attended and presented to the meeting at 6:47pm.*

#### **14.01.01 Litchfield Council Finance Report – February 2022**

Moved: Cr Sidey  
Seconded: Deputy Mayor Salter

THAT Council note the Litchfield Council Finance Report for the period ended 28 February 2022.

**CARRIED (7-0) ORD2022 11-061**

*Maxie Smith, Manager Corporate Services left the meeting at 6:55pm.*

*Danny Milincic, Manager People and Performance attended and presented to the meeting at 6:57pm.*

**14.01.02 People, Performance and Governance Monthly Report – February 2022**

Moved: Cr Wright

Seconded: Cr Sharp

THAT Council note the People, Performance and Government monthly report for February 2022.

**CARRIED (7-0) ORD2022 11-062**

*Danny Milincic, Manager People and Performance left the meeting at 7:02pm.*

**14.02 Council Leadership & Community Services**

**14.02.01 320 Arnhem Highway Consultation Report**

Moved: Cr Mackay

Seconded: Cr Wright

THAT Council receive and note this report.

**CARRIED (7-0) ORD2022 11-063**

**14.02.02 Howard Park and Knuckey Lagoon Recreation Reserve Committees**

Moved: Cr Wright

Seconded: Deputy Mayor Salter

THAT Council receive and note:

1. the unconfirmed Howard Park Committee Minutes of 3 February 2022, at Attachment A; and
2. the unconfirmed Knuckey Lagoon Committee Meeting of 7 February 2022, at Attachment B.

**CARRIED (7-0) ORD2022 11-064**

#### **14.02.03 Litchfield Council Strategic Plan 2022-2025**

Moved: Cr Harlan

Seconded: Cr Sharp

THAT Council endorse the Litchfield Council Strategic Plan 2022-2025.

**CARRIED (7-0) ORD2022 11-065**

*Diana Leeder, Executive Manager Community Services attended and presented at the meeting at 7:11pm.*

#### **14.02.04 National General Assembly 2022 Call for Motions**

Moved: Cr Sharp

Seconded: Cr Wright

THAT Council submits to the 2022 National General Assembly the following motion:

This National General Assembly calls on the Australian Government to release its response to the *2021 Regional Telecommunications Review: A step change in demand* and to implement its recommendations, to ensure that the digital divide between Australians living in regional, rural and remote areas and those living in metropolitan communities is reduced.

**CARRIED (7-0) ORD2022 11-066**

*Diana Leeder, Executive Manager Community Services left the meeting at 7:22pm.*

#### **14.02.05 Litchfield Women in Business Network Committee Minutes**

*Cr Mackay left the meeting at 7:26pm and returned to the meeting at 7:27pm*

Moved: Cr Sharp

Seconded: Cr Wright

THAT Council receive and note the unconfirmed Litchfield Women in Business Network Meeting Minutes of 14 February 2022, at Attachment A.

**CARRIED (7-0) ORD2022 11-067**

*Diana Leeder, Executive Manager Community Services attended and presented at the meeting at 7:28pm.*

#### **14.02.07 Additional Funding Request by User Groups**

Moved: Cr Sidey  
Seconded: Mayor Barden

THAT Council receive and note this report.

**CARRIED (7-0) ORD2022 11-068**

*Diana Leeder, Executive Manager Community Services left the meeting at 7:37pm.*

*Cr Harlan left the meeting at 7:39pm.*

#### **14.03 Infrastructure and Operations**

*Mark Hogan, Planning & Development Program Leader attended and presented at the meeting at 7:40pm.*

*Cr Harlan returned to the meeting at 7:41pm.*

##### **14.03.01 Summary Planning and Development Report February 2022**

Moved: Cr Sharp  
Seconded: Cr Wright

THAT Council:

1. receive the Summary Planning and Development Report February 2022;
2. note for information the responses provided to relevant agencies within Attachments A to F to this report; and
3. as per Attachment E, a further letter be sent providing Council's resolution as per item 14.02.06 to the Development Consent Authority and the Development Assessment Services.

**CARRIED (7-0) ORD2022 11-069**

*Mark Hogan, Planning & Development Program Leader left the meeting at 7:55pm.*

#### **14.03.02 Proposed Community Building Relocation**

Moved: Cr Mackay  
Seconded: Cr Harlan

THAT Council:

1. note the investigation underway to determine the viability to relocate the proposed community building from 7 Bees Creek Road to the Crown adjacent to Fred's Pass Reserve; and
2. resolve to submit a variation to the Commonwealth for LRCI Phase 2 to replace the new community room project with a project to reseal Council roads.

**CARRIED (7-0) ORD2022 11-070**

#### **15. OTHER BUSINESS**

##### **15.01 Freedom of Information Application Process**

#### **16. CONFIDENTIAL ITEMS**

Moved: Cr Mackay  
Seconded: Deputy Mayor Salter

THAT pursuant to Section 93(2) of the Local Government Act 2019 and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the following Confidential Items:

##### **16.01 Award Contract – RFT21-285 Maintenance of Pavement, Repairs and New Works**

This item is considered 'confidential' pursuant to Section 293(1) of the *Local Government Act 2019* and Section 51(1) of the *Local Government (General) Regulations 2021*.

- (a) *information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.*

**16.02 Breach of Code of Conduct Complaint**

This item is considered 'confidential' pursuant to Section 293(1) of the *Local Government Act 2019* and Section 51(1) of the *Local Government (General) Regulations 2021*.

*8(e) information provided to the council on condition that it be kept confidential.*

**CARRIED (7-0) ORD2022 11-071**

The meeting was closed to the public at 8:06pm.

The meeting moved to Open Session at 9:35pm.

**17. CLOSE OF MEETING**

The Chair closed the meeting at 9:35pm.

**18. NEXT MEETING**

Tuesday 19 April 2022.

**MINUTES TO BE CONFIRMED**

Tuesday 19 April 2022



Mayor  
Doug Barden



Interim Chief Executive Officer  
Arun Dias