



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting
Council Chambers, Litchfield
Tuesday 16 August 2022

Present	Doug Barden Emma Sharp Rachael Wright Mathew Salter Andrew Mackay Kevin Harlan Mark Sidey	Mayor Deputy Mayor / Councillor South Ward Councillor North Ward Councillor North Ward Councillor Central Ward Councillor Central Ward Councillor South Ward
Staff	Stephen Hoyne Nicky McMaster Maxie Smith Jessica Eves	Chief Executive Officer General Manager Communications & Lifestyle A/General Manager Business Excellence Executive Assistant
Presenters	Rebecca Taylor David Jan James Morgan Kym Lenoble	A/Manager People & Performance Manager Operations & Environment (Electronic) Manager Infrastructure & Assets Manager Communications & Engagement
Guest	Nil	
Public Gallery	One member of public.	
Streamed Online via YouTube:	https://www.youtube.com/watch?v=sSy2T5m4ArM	

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the Traditional Custodians of the land on which we meet. 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 at 5.59pm and welcomed members of the public.

The Mayor welcomed Council's newly appointed Chief Executive Officer, Stephen Hoyne to his first Ordinary Council meeting.

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 2019* and its policies regarding the same.

4.1 Elected Members

As per Section 115 of the Local Government Act 2019, Mayor Barden disclosed an interest in items:

- 16.02.01 – Breach of Code of Conduct - Findings.

As per Section 115 of the Local Government Act 2019, Deputy Mayor Sharp disclosed an interest in items:

- 16.02.01 – Breach of Code of Conduct - Findings.

As per Section 115 of the Local Government Act 2019, Cr Wright disclosed an interest in items:

- 16.02.01 – Breach of Code of Conduct - Findings.

4.2 Staff

No disclosures of interest were declared.

5. CONFIRMATION OF MINUTES

5.1 Confirmation of Minutes

Moved: Cr Wright
Seconded: Cr Salter

THAT Council confirm the Ordinary Council meeting held 19 July 2022 minutes.

CARRIED (7-0) ORD2022 11-183

5.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Cr Wright
Seconded: Cr Mackay

THAT Council receive and note the Action List.

CARRIED (7-0) ORD2022 11-184

6. PETITIONS

Nil.

7. DEPUTATIONS AND PRESENTATIONS

Nil.

8. PUBLIC QUESTIONS

8.1 Mark Lowe – 295 Goode Road Humpty Doo

Question:

councillors executive, Under an FE 262 directive from the Fire service I have cleared a 4 mtr break on the inside of our southern boundary fence at 295 Goode rd, lot 11 solar village. in my view the narrow track bordered by bushland and dry grass immediately adjacent to it on Goode rd. does not meet that standard. Is council willing and able to implement the same standards we are held accountable to, subject to a massive fine for non compliance I might add. The creation of a 4mtr trafficable break adjacent to our fence in addition to complying with the regulations would also allow ourselves and PFES safe access to our property. Is council able to do this?

Answer:

The item was taken on notice.

8.2 Brad George – 225 Strangways Humpty Doo

- Do Council records show that Council was aware of the clearing of 25000m2 of native vegetation in 2016 and what the purpose was of that clearing?
- Do Council records show that Council enquired if consent approvals were required for clearing native vegetation beyond approvals given for the area up to the existing Waste Transfer Station boundary fence line?

If yes, was consent required and if it was required was it sought from the DCA and supplied?

- If no, was consent required?
- Do Council records show that the land was cleared under the direction of Power and Water, Ostojic, Council or is it unknown who authorised the clearing of 25000m2 of native vegetation?
- Was the native vegetation cleared legally?
- Does Council have the ability to ignore the CP Zoning of the southern most portion of 225 Strangways without considering the amenity for residents of Pine Forrest Estate, The Grange on Stuart, Hayball and Strangways?
- Is Council aware that it is bound by the Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code)?
- Is Council aware that by allowing trucks to use 225 Strangways Road it is facilitating large multicomination vehicles to traverse rural roads without issuing permits or setting approved travel routes?
- Is Council aware that is has not sought or been granted exemptions, determinations and classifications by the Competent Authorities Panel that allow it operate at variance to the Australian Dangerous Goods Code?
- Is Council aware that is bound by the transport and storage rules set out in The Bituminous Materials Safety Guide?
- Is Council aware that Strangways Road and Spencely Road do not meet the specifications for two land rural roads used by large multicomination vehicles under the Normal Design Domain nor the Extended Design Domain as set out in the Australian Road Design Standards.
- Why hasn't the Council ever consulted with the residents of Pine Forrest Estate, The Grange on Stuart, Hayball and Strangways about the operation of the part of 225 Strangways that is being used as a project load out and unfit for service trailer parking area?
- Has Council formally sought legal advice if it is liable under any legislation for damage to person, property or the environment for activities that if permits to occur on this land?
- Has Council had a WHS risk assessment completed on this portion of 225 Strangways and if so will it publish that assessment?

Answer:

The item was taken on notice.

9. ACCEPTING OR DECLINING LATE ITEMS

Nil.

10. NOTICES OF MOTION

10.01 Tourism Town Asset Grant 2022/2023 – Signage

Moved: Mayor Barden

Seconded: Cr Mackay

THAT Council:

1. approve an application to be developed and submitted to the Tourism Town Asset Grant Program for a project up to \$100,000 for welcome signage, requiring a co-contribution from Litchfield Council of up to \$25,000; and
2. source quotes for the development of the signs and investigate opportunities to use in-kind support for the installation to reduce the cash component of the grant funding from Council.
3. approve funding of up to \$25,000 to be sourced from either Council's financial reserves or from savings found during Budget Review 1 if the Tourism Town Asset Grant application is successful.

CARRIED (7-0) ORD2022 11-185

11. MAYORS REPORT

Moved: Mayor Barden

Seconded: Cr Sidey

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

CARRIED (7-0) ORD2022 11-186

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Nil.

13. WORK TEAM PRESENTATION

Nil.

14. OFFICERS' REPORTS

14.01 Business Excellence

14.01.01 Litchfield Council Finance Report – July 2022

Moved: Cr Harlan

Seconded: Deputy Mayor Sharp

THAT Council note the Litchfield Council Finance Report – July 2022.

CARRIED (7-0) ORD2022 11-187

14.01.02 People, Performance and Governance Monthly Report – July 2022

Moved: Cr Sidey
Seconded: Cr Wright

THAT Council note the People, Performance and Governance report for July 2022.

CARRIED (7-0) ORD2022 11-188

14.01.03 DRAFT FIN06 Rates Concession Policy

Moved: Deputy Mayor Sharp
Seconded: Cr Wright

THAT Council adopts FIN06 Rates Concession Policy, as at Attachment A, and authorises the Chief Executive Officer to make any minor editorial adjustments.

CARRIED (6-1) ORD2022 11-189

14.01.04 DRAFT GOV20 Committees Policy

Moved: Cr Salter
Seconded: Cr Sidey

THAT Council adopt GOV20 Committees Policy, as at Attachment A, and authorise the Chief Executive Officer to make any minor editorial adjustments.

CARRIED (6-1) ORD2022 11-190

14.02 Council Leadership & Community Services

14.02.01 Going Green Rebate Program Proposal

Moved: Deputy Mayor Sharp
Seconded: Cr Harlan

THAT Council:

1. approve an increase of \$5,000 in the 2022-2023 Community Grant Scheme budget, to be funded from the Cash for Cans Reserves; and
2. consider the continuation of the Going Green Rebate Program in subsequent annual budgets.

LOST (3-4)

14.02.02 Youth Strategy and Action Plan 2022 – 2025

Moved: Cr Mackay
Seconded: Cr Sidey

THAT Council:

1. endorse the Draft Youth Strategy and Action Plan 2022-2025; and
2. approve the Chief Executive Officer to make minor editorial changes if required.

CARRIED (7-0) ORD2022 11-191

14.02.03 Litchfield Council 2022 Community Survey

Moved: Cr Sidey
Seconded: Deputy Mayor Sharp

THAT Council receive and note the Litchfield Council 2022 Community Survey Report.

CARRIED (7-0) ORD2022 11-192

14.02.04 Freds Pass Sport and Recreation Reserve Water Leak Funding Request

Moved: Cr Mackay
Seconded: Cr Harlan

THAT Council:

1. approve funding of \$20,000 for new infrastructure to secure continued water supply to the cricket club and surrounding areas; and
2. authorise \$20,000 to be sourced from Council's financial asset reserves.

AMENDMENT

Moved: Deputy Mayor Sharp
Seconded: Cr Salter

THAT Council lay Item 14.02.04 Freds Pass Sport and Recreation Reserve Water Leak Funding Request on the table until the September 2022 Ordinary meeting to allow staff to obtain further financial information from Freds Pass Sport and Recreation Reserve committee.

The amendment became the motion which was put and carried.

CARRIED (5-2) ORD2022 11-193

14.03 Infrastructure and Operations

14.03.01 Summary Planning and Development Report – July 2022

Moved: Cr Harlan
Seconded: Deputy Mayor Sharp

THAT Council:

1. receive the Summary Planning and Development Report July 2022; and
2. note for information the responses provided to relevant agencies within Attachments A-E to this report.

CARRIED (7-0) ORD2022 11-194

15. OTHER BUSINESS

15.01 - Firebreaks on Council Reserves

Cr Mackay raised recent discussions with a resident in Humpty Doo that held concerns that Council does not maintain firebreaks on Council reserves.

Cr Mackay requests a report be provided to the Strategic Discussion and Briefing Session providing a summary of how Council manages unmaintained Council reserves.

15.02 – Fred’s Pass Rural Markets Engagement Update

Cr Harlan provided a summary of discussions that occurred with locals whilst at the Freds Pass Rural Markets.

Elected Members requested that a Shared Path Plan completed by Cardno be circulated to Elected Members.

15.03 - NT WorkSafe Septic Tanks Safety Alert

Cr Harlan requested a written confirmation from Council staff confirming all Litchfield Council reserve septic tanks have been checked and secured after receiving a NT WorkSafe Safety Alert.

15.04 – Request for Footpaths Around Litchfield Schools

Deputy Mayor Sharp raised a matter on behalf of a resident with safety concerns with no footpath available on Bees Creek Road in the vicinity of Bees Creek School and Deputy Mayors concerns of limited footpaths around schools.

16. CONFIDENTIAL ITEMS

Moved: Deputy Mayor Sharp
Seconded: Cr Harlan

THAT pursuant to Section 99(2) of the *Local Government Act 2019* and Regulation 51(1) of the *Local Government (General) Regulations* the meeting be closed to the public to consider the following Confidential Items:

16.01 Breach of Code of Conduct – Findings

This item is considered ‘confidential’ pursuant to Section 99(2) and 293(1) of the *Local Government Act 2019* and Section 51 of the *Local Government (General) Regulations 2021*:

(f) subject to subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.

CARRIED (7-0) ORD2022 11-195

The meeting was closed to the public at 7:42pm.

Reopening on Meeting to the Public

Moved: Cr Mackay
Seconded: Cr Harlan

THAT pursuant to Section 99(2) of the *Local Government Act 2019* and Regulation 51 of the *Local Government (General) Regulations* the meeting be re-opened to the public.

CARRIED (4-0) ORD2021 11-196

The meeting moved to Open Session at 7:56pm.

17. CLOSE OF MEETING

The Chair closed the meeting at 7:56pm.

18. NEXT MEETING

Tuesday 20 September 2022.

MINUTES TO BE CONFIRMED

Tuesday 20 September 2022.

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Mayor
Doug Barden

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Chief Executive Officer
Stephen Hoyne