



LITCHFIELD COUNCIL MEETING

Minutes of Meeting
held in the Council Chambers, Litchfield
on Wednesday, 19 July 2017 at 6:00pm

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 that conflict of interest to enable Council to manage the conflict and resolve it in accordance with its obligations under the Local Government Act and its policies regarding the same.

Audio Disclaimer

An Audio recording of this meeting will be made for minute taking purposes as authorised by the Chief Executive Officer.

Acknowledgement of Traditional Ownership

It is acknowledged that the meeting is held on the land of the traditional owners and Council respect the Elders past and present for their continuing custodianship of the land and the children of this land across generations.

Present	Maree Bredhauer	Mayor
	Letchimi Wright	Deputy Mayor / Councillor North Ward
	Christine Osborn	Councillor Central Ward
	Doug Barden	Councillor South Ward
	Kirsty Hunt	Councillor East Ward
Staff	Kaylene Conrick	Chief Executive Officer
	David Kingston	Director Infrastructure & Operations
	Karina Gates	Finance Manager
	Wendy Smith	Planning Manager
	Debbie Branson	Executive Assistant
Public	Judy Bartolo	Berry Springs
	Rocky Bartolo	Berry Springs
	Jessie Bartolo	Berry Springs
	Ewan Lockhart	Berry Springs
	Nang Thongklom	Berry Springs
	Shane Gullefer	Berry Springs
	Juliet Gullefer	Berry Springs
	Tamara Spence	Berry Springs
	Tommy Ralph	Berry Springs
	Des Bredhauer	Humpty Doo
	Mary Walshe	Humpty Doo

1. OPENING OF THE MEETING

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CONFIRMATION OF MINUTES

Moved: Cr Barden

Seconded: Cr Wright

1. THAT the full minutes of the Council Meeting held 21 June 2017, 13 pages, be confirmed.
2. THAT the minutes of the Special Council Meeting held 5 July 2017, 7 pages, be confirmed.

CARRIED-1718/006

4. BUSINESS ARISING FROM THE MINUTES

Moved: Cr Hunt

Seconded: Cr Wright

THAT the Action Plan be received and noted.

CARRIED-1718/007

5. CONFLICT OF INTEREST

5.1 Implementation of New Dog By-laws

Cr Wright enquired about her interest in item 14.11 – Implementation of New Dog By-laws as she is a registered breeder of Border Collies.

Cr Wright's interest was considered a similar interest of the general population and therefore was not deemed a conflict of interest.

6. PRESENTATIONS

Nil.

7. PETITIONS

Nil.

8. PUBLIC FORUM

The questions raised here have been paraphrased and summarised.

Five residents with properties located on Carveth and William Roads, Berry Springs spoke to advocate that Council reconsider its recent decision to not proceed with the sealing of Carveth and William Roads in 2017/18 financial year.

Council at its meeting held 21 June 2017 reaffirmed its commitment to working with residents and other stakeholders to undertake the sealing of Carveth and William Roads.

8.1 Tamara Spence – Carveth & William Roads, Berry Springs

Mrs Spence is a property owner on William Road and is advocating to Council on the sealing of Carveth & William Roads.

Mrs Spence asked:

1. why she had not received a letter that was sent from Council to all property owners on Carveth and William Roads on 9 June 2017?

Response

A letter was posted to the post box address on Council's file however this box number has been closed and Council received a Return to Sender notice. Council will update the postal details

2. for a breakdown of the costs referred to in the officer's report to Council on 21 June 2017 advising that the sealing costs had tripled.

Mrs Spence quoted extracts of Sections 11 and 13 of the Local Government Act and spoke about Council's accountability and duty of care and in her view; negligence given the state of the road and the dust situation.

Further, Mrs Spence stated that the Council's decision not to seal Carveth and William Roads will have an impact on the upcoming Local Government election results and urged that Council consider over turning their decision.

8.2 Tommy Ralph – Carveth & William Roads

As the co-founder of Barramundi Ventures, Darwin located on William Road, Mr Ralph advised that one of the deciding factors in establishing a business on this site was his belief that Carveth and William Roads were to be sealed in 2017/18.

Mr Ralph outlined his concerns in regards to the current condition of the roads, safety, including poor visibility and the potential impact on his business.

Mr Ralph stated that the ongoing repair and maintenance costs will outweigh the cost to seal the Carveth and William Roads.

8.3 Shane Gullefer – Carveth & William Roads, Berry Springs

As a long-term resident of Carveth Road, Mr Gullefer believes the dust has never been this bad before and questioned Council's decision to rescind their motion to seal Carveth & Williams Road. He also questioned Council's logic in rectifying the problem.

Mr Gullefer asked the following questions which were taken on notice:

1. Why does this Council think it is acceptable to have \$14 million of rate payer's money in reserves, when this money should be put back into the Council the betterment of its residents?

Response

Council's 2017/18 Municipal Plan identifies the amounts in each of the financial reserves at the end of the budget period. The Infrastructure Reserve, which is the one relevant to the construction or improvement of roads, will have less than \$1M at the end of the 2017/18 financial year.

Depletion of funds in this reserve occurs in line with addressing asset upgrade needs across the municipality.

2. The agreement to seal the roads did not include the subdivision and we are asking the Council to please not include it in the estimates to seal the roads, but this Council has not listened to its constituents on this issue and in doing so, has perpetuated the problem. Why does this Council continue to ignore this point?

Response

Since the time of the residents' petition to Council in August 2016, Council's approach has always centred on the sealing of William and Carveth Road in conjunction with the construction of new roads associated with the subdivision. This approach was consistently documented and explained in Council reports to the September 2016, April 2017 and June 2017 meetings.

3. Could the Council please provide to the public a breakdown of the costs to seal the roads.

Response

Council has set out in previous reports the cost estimates that have been used to inform the proposed works. A breakdown of these costs is not provided.

4. Could the Council please provide the cost of laying down the low PI material from last year, and provide the residents of Carveth and William Roads the justification for wasting this cost by their inaction to seal it.

Response

The re-sheeting costs were in the order of \$80-90,000. This work was planned maintenance and in line with Council's asset management approach. The integrity of the work remains intact despite the time elapsed since the work was completed.

5. Why did the Council consider the cost estimates to seal the road on a policy that increases the standard of road construction, when this policy is not in effect yet?

Response

Council lifts its road construction standards in line with local government practices across Australia. Such changes to standard of construction is not contingent on a variation to a policy.

6. What is the Council doing to expedite the solution to this problem, which has been clearly created by this Council in the first place?

Response

Council is looking at available options to control dust across the remainder of the 2017 dry season and where needed, the start of the 2018 dry season. A decision to implement one or more options will be made in due course. In line with the response to Question 2, Council has been consistent in tying the sealing works to the establishment of the future sub-division.

7. All Council members are aware of the policy LC08, which states "that all roads identified pursuant to Part 12.3 of the Local Government Act (Act) within the municipality should be sealed." Why has the Council decided to ignore this policy for the last financial year and this financial year?

Response

Council's intent to see all roads sealed is limited by the funding available. It is not possible to seal all roads in a short period of time without a considerable increase in funding from external sources.

Mr Gullefer advised that, in his opinion, Council had failed their community in this regard.

Mr Gullefer acknowledged Cr Barden's support and thanked him for his efforts on this matter.

8.4 Judy Bartolo – Carveth & Williams Roads

As a long-term property owner on Carveth Road, Mrs Bartolo expressed her concern with the increase in dust and her disappointment with the Council's decision not to seal the roads. In doing so Mrs Bartolo referred to Priority 1 and 2 in the Council's Strategic Plan and raised health concerns relating to the dust on the roads.

Mrs Bartolo raised the following question:

1. Why weren't the health concerns raised by residents not mentioned in the officer's report to Council at the meeting held 21 June 2017?

Response

Rural local roads across Australia are usually unsealed and in many cases, exhibit dust. Councils typically look to upgrade roads to a sealed surface not on the basis of dust-related health concerns, but from a road safety, amenity and maintenance perspective.

8.5 Juliet Gullefer (on behalf of Penny O'Grady & Trevor Shevchenko) – Carveth & Williams Roads

Mrs Gullefer read a letter, on behalf of Penny O'Grady and Trevor Shevchenko, which expressed concern in relation to the health and safety of children walking to their homes after school, pedestrians and bike riders being constantly exposed to the airborne dust.

9. ACCEPTING DECLINING LATE ITEMS

Nil.

10. NOTICES OF MOTION

10.1 Dump Point(s) in Litchfield

Moved: Cr Osborn
Seconded: Cr Hunt

THAT Council receive a report by the November 2017 meeting on the viability of establishing a Dump point in the Litchfield municipality, possibly at the Humpty Doo Waste Transfer Site.

CARRIED-1718/008

10.2 Blackspot Road Funding NT 2017/18

Moved: Cr Hunt
Seconded: Cr Wright

THAT Council:

1. acknowledge the inequity of the Black Spot Road funding in the NT and in particular, Litchfield in the current Federal Budget;
2. writes to all NT Federal Members outlining the concerns of Council regarding the inequity of the Black Spot Road funding in the NT and in particular, Litchfield; and
3. writes to LGANT and the NT Government Minister for Infrastructure seeking support to lobby the Federal Government prior to the next Federal Budget for a needs based allocation of Black Spot Road Funding for the NT.

CARRIED-1718/009

10.1 Australia Citizenship Legislation Amendment

Moved: Cr Hunt
Seconded: Cr Osborn

THAT Council:

1. believes everyone living in Australia should sign up to our laws and our values;
2. opposes the citizenship changes to delay to prospective citizens pledging allegiance to Australia through extended residency requirements, as it only further isolates individuals from Australian society. The existing requirement is four years and there is no advantage for Australia in delaying people making a commitment of allegiance to Australia;
3. notes that the existing citizenship test is already in English, and is committed to encouraging immigrants attain English language levels that allow them to take full advantage of the opportunities and benefits available to all members of the Australian community;
4. rejects the Government's stand requiring 'university level' English as it believes it sends a message to every single Australian who doesn't have university entrance qualifications that the Australian Government, if given the choice, would prefer those Australians were not here;

5. seeks the Government to withdraw this Bill, and the proposed changes in the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures) Bill 2017* to residency requirements and the English language test mean; and
6. writes to the Hon Peter Dutton Minister for Immigration and Border Protection advising of Council's concerns with the proposed changes.

CARRIED-1718/010

11. MAYORS REPORT

Moved: Cr Wright
Seconded: Cr Hunt

THAT Council note the Mayor's verbal report.

CARRIED-1718/011

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees provided an update, where relevant, in the previous item (verbal update on activities).

Moved: Cr Hunt
Seconded: Cr Wright

THAT Council note the Councillors' verbal report.

CARRIED-1718/012

13. FINANCE REPORT

13.1 Council Finance Report – June 2017

Moved: Cr Barden
Seconded: Cr Osborn

THAT Council receives the Litchfield Council Finance report for the period ended 30 June 2017.

CARRIED-1718/013

14. OFFICERS REPORTS

14.1 Executive Services Quarterly Report – April to June 2017

Moved: Cr Hunt
Seconded: Cr Osborn

THAT Council receives the Executive Services quarterly report for the period April to June 2017.

CARRIED-1718/014

14.2 Community & Corporate Services Quarterly Report – April to June 2017

Moved: Cr Wright
Seconded: Cr Osborn

THAT Council receives and notes the Community and Corporate Services quarterly report for April – June 2017.

CARRIED-1718/015

14.3 Infrastructure & Operations Quarterly Report – April to June 2017

Moved: Cr Hunt
Seconded: Cr Osborn

THAT Council receives and notes the Infrastructure & Operations quarterly report for April – June 2017.

CARRIED-1718/016

14.4 Adoption of Development and Subdivision Standards

Moved: Cr Osborn
Seconded: Cr Wright

THAT Council:

1. adopts the Litchfield Council Development and Subdivision Standards;
2. authorises the Chief Executive Officer to approve minor amendments to the Standards as may be needed from time to time; and
3. authorises the Director Infrastructure and Operations to make technical amendments to standard drawings as presented.

CARRIED-1718/017

14.5 Freds Pass Reserve Centre Road Upgrade

Moved: Cr Hunt
Seconded: Cr wright

THAT Council award tender T17-135 Freds Pass Reserve Centre road upgrade to Allan King and Sons for their submitted tender price of \$834,590 (GST incl.).

CARRIED-1718/018

14.6 Construction of Mobile Workforce Shed, Humpty Doo WTS

Moved: Cr Hunt
Seconded: Cr Barden

THAT Council:

1. receive and note the report on the status of the \$225,000 grant from Department of Housing and Community Development to construct a Mobile Work Force Shed at the Humpty Doo Waste Transfer Station; and
2. acknowledges the grant extension received from Department of Housing and Community Development and the revised project timelines.

CARRIED-1718/019

14.7 Review of Private Road Policy LC29

Moved: Cr Wright
Seconded: Cr Osborn

THAT Council receive and note this report.

CARRIED-1718/020

14.8 July 2017 Summary Planning and Mining Report

Moved: Cr Barden
Seconded: Cr Osborn

THAT Council:

1. receive the July 2017 Summary Planning and Mining Report; and
2. notes for information the responses provided to Development Assessment Services within Attachments A, B, C, and D to this report.

CARRIED-1718/021

14.9 PA2017/0203, a Planning Scheme Amendment Application for Changes to clause 7.5 (Private Open Space)

Moved: Cr Osborn

Seconded: Cr Hunt

THAT Council receive for information Attachment B, Council's Letter of Comment for PA2017/0203, a Planning Scheme Amendment Application for changes to Clause 7.5 (Private Open Space).

CARRIED-1718/022

14.10 GOV05 Caretaker Period Policy

Moved: Cr Hunt

Seconded: Cr Osborn

THAT Council:

1. adopts the updated GOV05 Caretaker Policy; and
2. notes the requirements for the first meeting of Council after a Local Government general election.

CARRIED-1718/023

14.11 Implementation of new Dog By-laws

Moved: Cr Wright

Seconded: Cr Osborn

THAT Council:

1. determines that in implementing the new Dog Management By-laws, that all dogs must be registered by 15 December 2017;
2. places a moratorium period on unregistered dog offences infringements until 16 December 2017, providing all dog owners with adequate time to register dogs without penalty;
3. Provides two registration periods for owners to register dogs; annual or lifetime;
4. sets a fixed date for annual registration period from 1 September to 31 August;
5. determines that annual dog registration fees for 2017/18 financial year, as outlined in the table below:

Annual Registration

Registration Category	Annual Registration Fee	Concession	Pro rata 6 Months fee Applies from 1 March
Entire Dog	75.00	40.00**	50%
De-sexed Dog	20.00	10.00	50%
Declared Dangerous Dog	250.00	n/a	50%
Working Dog / Assistance Dog / Service Dog	Free	n/a	
Transfer of dog ownership and/or change of registered address within 30 days	Free	n/a	

6. waives the annual (only) registration fee for the first year, providing the dog is registered by 15 December 2017;
7. determines that a Declared Dangerous Dog is only eligible for annual registration not lifetime registration;
8. determines lifetime dog registration fees for 2017/18 financial year, as outlined in the table below:

Lifetime Registration Fees

Registration Category	Lifetime Registration Fee	Concession
Entire Dog	375.00	202.00**
De-sexed Dog	100	50.00
Transfer of dog ownership and/or change of registered address within 30 days	Free	n/a

9. determines **not** to restrict the number of dogs permitted to be kept on premises without a licence in accordance with Litchfield Council Dog Management By-laws Division 3 Licencing of Premises s 13 Requirement of Licence.

The concession fee is applicable to those dog owners who are in receipt of a government pension, desexed animals sold by eligible pound or shelter or those who are registered breeders, ie members of Dogs NT who have agreed to abide by the North Australian Canine Association Rules and Regulations, including the Code of Ethics.

****Entire Dog concession applicable to registered breeders only, ie members of Dogs NT who have agreed to abide by the North Australian Canine Association Rules and Regulations, including the Code of Ethics.**

CARRIED-1718/024

14.12 Thorak Regional Cemetery – Fees and Charges 2017/2018

Moved: Cr Hunt
Seconded: Cr Osborn

THAT Council:

1. reaffirms its decision made at the Special Council Meeting held 5 July 2017 in setting the 2017/18 fees for the Thorak Regional Cemetery, including the introduction of an administration charge of 10% for customers that are not Litchfield residents at the time of purchase; and
2. continues to strongly advocate to the Northern Territory Government Minister for Housing and Community Development to address the financial and operating model for the Thorak Regional Cemetery. It remains impractical and inequitable to expect Litchfield ratepayers to subsidise this regional community service and to responsible for the liabilities and capital expenditure over time.

CARRIED-1718/025

15. COMMON SEAL

15.1 Local Government Shared Services – Common Seal

Moved: Cr Wright
Seconded: Cr Osborn

THAT Council signs and affixes the Common Seal to Local Government Shared Services Agreement.

CARRIED-1718/026

16. OTHER BUSINESS

Nil.

17. PUBLIC QUESTIONS

17.1 Mary Walshe – Humpty Doo

Mrs Walshe questioned the Current and Headcount numbers in the Executive Services Quarterly Report April to June 2017 and why the table was blank with the breakdown.

5 Employees

2016/2017 STAFFING PLAN

DIRECTORATE	FINANCIAL YEAR		
	BUDGET 2016/17 FTE	Current Month	Headcount
Community & Corporate Services	18	16	16.3
Infrastructure & Operations	32.47	28	29
Office of the Chief Executive	3	3	3
	Total FTE Staff Budget - 53.47	FTE for the Quarter - 48	Headcount for the Quarter - 53

Mrs Walshe asked if the position of Administrative Assistant was included in the budget.

Response

The CEO confirmed that the 2017/18 Municipal Plan included an increase in staffing levels by 1 FTE (full time equivalent).

Council is currently advertising two part time Administrative Assistant positions (1 FTE).

Mrs Walshe commented the Council could have offered the Litchfield Community at 11% discount on cemetery expenses rather than a 10% increase to non-residents of Litchfield.

Mrs Walshe also commented that she preferred the Mayor's Report to be writing for history purposes rather than a verbal report and asked that this be considered.

18. CONFIDENTIAL ITEMS

Moved: Cr Wright
Seconded: Cr Hunt

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) regulations the meeting be closed to the public to consider the following Confidential Item –

18.1 Tender Evaluation Report – Freds Pass Reserve Centre Road Upgrade

Regulation 8(c) reason - information that would, if publicly disclosed, be likely to:
(i) cause commercial prejudice to or confer an unfair commercial advantage on, any person.

CARRIED-1718/027

The meeting was closed to the public at 8:09pm

Moved: Cr Barden
Seconded: Cr Hunt

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be re-opened to the public.

CARRIED-1718/029

The meeting moved to the Open Session at 8:11pm.

19. CLOSE OF MEETING

The Chair closed the meeting at 8:11pm.

20. NEXT MEETING

Wednesday, 16 August 2017.

MINUTES TO BE CONFIRMED

Wednesday 16 August 2017



Mayor of Litchfield
Maree Bredhauer



Chief Executive Officer
Kaylene Conrick