



## COUNCIL MINUTES

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### LITCHFIELD COUNCIL MEETING

**Minutes of Ordinary Meeting**  
**held in the Council Chambers, Litchfield**  
**Tuesday 16 April 2024 at 6:00pm**

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<b>Present</b>	Doug Barden Rachael Wright Andrew Mackay Kevin Harlan Emma Sharp Mathew Salter	Mayor (Chair) Deputy Mayor, Councillor North Ward Councillor Central Ward Councillor Central Ward Councillor South Ward Councillor North Ward
<b>Staff</b>	Stephen Hoyne Rodney Jessup Ankit Pansal  Ashleigh Young Debbie Branson	Chief Executive Officer Director Infrastructure and Operations HR and Records Management Program Leader ( <i>electronically in part</i> ) Community Participation Officer ( <i>electronically in part</i> ) 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 they 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 6:04pm*

The Mayor 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

Moved: Cr Harlan  
Seconded: Deputy Mayor Wright

THAT Council accept apologies from Cr Sidey.

**CARRIED (6/0) ORD2024 11-073**

#### 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

Nil.

#### 4.2 Staff

Nil.

### 5. PUBLIC QUESTIONS

#### 5.1 Draft Municipal Plan

Mr Marcus Schmidt raised the following question via a webform submission:

*Regarding sealing of roads in Southport; the Draft Municipal Plan lists a budget item (P.26) for a 'Special Rate- Southport Road' impacting 71 properties - charge of \$5641.00 per property. Letter from LC dated 4 April 2024 was first advice of this proposed 'special rate' - which invites feedback on the "proposed special rates" with a closing date for submission by 26th May 2024.*

*Question: Can you please outline what consultation occurred with impacted ratepayers to advise that a 'Special Rate' would be levied, in advance of the road sealing decision?*

*Question: Is the letter to impacted ratepayers dated 4th April 2024 requesting feedback on the proposed 'Special Rate' redundant should the Draft Municipal Plan be endorsed with the 'Special Rate - Southport Road' included?*

Response

Council follows a number of policies and legislation with regards to special rates. These include:

Section 238 of the Local Government Act 2019 states - Subject to this section, a council may, on or before 30 June in the financial year preceding the financial year for which the rates are imposed, declare rates for a particular purpose (special rates).

Council's Sealing of Roads INF05 policy states at 4.2. Council may, pursuant to Section 238 Special Rates of the Act, apply an amount for each allotment to defray the cost of sealing a road, or part thereof, where there is a public benefit.

Council's Rating Policy FIN02 states at 4.5 Special Rates:

- 4.5.1 Council levies a special rate in accordance with the Act and in line with Council's INF05 Sealing of Roads policy to defray the cost of sealing a road, or part thereof.
- 4.5.2 The special rate is a fixed charge to a property and may vary based on the planning zone of the property.
- 4.5.3 Where a Special Rate is applied, it will be charged to properties bordering the relevant road or road section that is being sealed.
- 4.5.4 Properties bordering several roads will only be charged once and not for each road to ensure equal application of the Special Rate.
- 4.5.5 Council will consider longer payment timeframes for Special Rates considering the additional financial liability on ratepayers.

Council continuously improves Litchfield's roads for the municipality's benefit, and sealing roads, which may include a special rate, is part of this activity.

The current consultation period for Southport roads will provide an opportunity for feedback. The council will consider this feedback as it has with any previous feedback on the sealing of roads and special rates.

Previous communication with Southport residents provided by Litchfield Council has related to the specific road sealing project delivery details.

## **6 CONFIRMATION OF MINUTES**

### **6.1 Confirmation of Minutes**

Moved: Deputy Mayor Wright  
Seconded: Cr Sharp

THAT Council confirm the:

- Ordinary Council Meeting held Tuesday 19 March 2024, 11 pages; and
- Ordinary Confidential Council Meeting held Tuesday 19 March 2024, 5 pages.

**CARRIED (6/0) ORD2024 11-074**

## **6.2 Council Action Sheet / Business Arising from Previous Meetings**

Moved: Cr Harlan  
Seconded: Cr Mackay

THAT Council receive and note Item 6.02 within the Council agenda, Council Action Sheet / Business Arising from Previous Meetings.

**CARRIED (6/0) ORD2024 11-075**

## **7. PETITIONS**

Nil.

## **8. DEPUTATIONS AND PRESENTATIONS**

Nil.

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

Nil.

## **10. NOTICES OF MOTION**

Refer to:

**Confidential Item 15.07 Notice of Motion – Commonwealth Government \$10m Grant to Freds Pass**

## **11. MAYORS REPORT**

Moved: Mayor Barden  
Seconded: Deputy Mayor Wright

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 20 March 2024 to 16 April 2024.

**CARRIED (6/0) ORD2024 11-076**

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

*Updates from Appointed Representatives will be provided within the meeting when applicable reports are considered.*

An update will be provided during Confidential Item 15.06 – CEO Performance Appraisal and Remuneration Review Committee – 9 April 2024.

### 13. OFFICERS' REPORTS

#### 13.01 Corporate and Community

##### 13.01.01 Litchfield Council Finance Report – March 2024

Moved: Cr Harlan  
Seconded: Cr Sharp

THAT Council note the Litchfield Council Finance Report for 31 March 2024.

**CARRIED (6/0) ORD2024 11-077**

##### 13.01.02 People, Performance and Governance Report – March 2024

Moved: Deputy Mayor Wright  
Seconded: Cr Harlan

THAT Council note the People, Performance and Governance Report for March 2024.

**CARRIED (6/0) ORD2024 11-078**

##### 13.01.03 Draft Municipal Plan 2024-2025 and Draft Financial Management Strategy and Long-Term Financial Plan 2024-2025 to 20233-2034

Moved: Cr Harlan  
Seconded: Deputy Mayor Wright

THAT Council:

1. adopt t a financial reporting threshold of \$150,000 per capital project for the inclusion of major capital works report in the draft Municipal Plan 2024-2025 in accordance with Guideline 5: Budgets as per Division 4, 8 (1) (d) Local Government (General) Regulations 2021;
2. endorse the draft Municipal Plan 2024-2025 as at Attachment A for the purposes of public exhibition and consultation;
3. advertise the draft Municipal Plan 2024-2025, including special rates, as being available for public consideration, and invite public submissions during a period of 35 days from 22 April 2024 to 26 May 2024;
4. endorse the draft Financial Management Strategy and Long-Term Financial Plan 2024-2025 to 2033-2034 as at Attachment B for the purposes of public exhibition and consultation;
5. advertise the draft Financial Management Strategy and Long-Term Financial Plan 2024-2025 to 2033-2034 as being available for public consideration, and invite public submissions during a period of 35 days from 22 April 2024 to 26 May 2024; and
6. authorise the Chief Executive Officer to make minor editorial changes to the documents, as necessary.

**CARRIED (6/0) ORD2024 11-079**

**13.02 Executive and Community Development**

**13.02.01 Community Services and Development Monthly Report March 2024**

Moved: Cr Sharp  
Seconded: Cr Mackay

THAT Council note the Community Services and Development Monthly Report for March 2024.

**CARRIED (6/0) ORD2024 11-080**

**13.02.02 Chief Executive Officer Performance Appraisal and Remuneration Review Committee – Council Representatives**

Moved: Cr Mackay  
Seconded: Cr Harlan

THAT Council:

1. lift the motion from the table for consideration; and
2. appoint Cr Sidey, Cr Mackay and Cr Salter to the Chief Executive Officer Performance Appraisal and Remuneration Review Committee together with the existing Council representatives' Mayor Barden, Cr Wright, Cr Sharp and Cr Harlan.

**CARRIED (6/0) ORD2024 11-081**

**13.02.03 Australia Day Awards Selection Panel Revised Terms of Reference**

Moved: Cr Harlan  
Seconded: Cr Sharp

THAT Council:

1. adopt the revised Terms of Reference for the Australia Day Awards Selection Panel, as at Attachment A; and
2. authorise the Chief Executive Officer to make minor amendments.

**CARRIED (6/0) ORD2024 11-082**

**13.02.04 Appointment of Deputy Mayor**

Moved: Mayor Barden  
Seconded: Deputy Mayor Wright

THAT Council appoint Councillor Harlan as Deputy Mayor for an eight-month period ending at the ordinary meeting held in December 2024.

**CARRIED (6/0) ORD2024 11-083**

**13.02.05 Breach of Code of Conduct Complaint – 21 October 2024 – Summary Decision**

Moved: Cr Mackay

Seconded: Cr Harlan

THAT Council receive and note the Breach of Code of Conduct Complaint – 21 October 2024 – Summary Decision report.

**CARRIED (6/0) ORD2024 11-084**

**13.02.06 Palmerston and Litchfield Seniors Association Request for Funding Agreement Extension**

Moved: Deputy Mayor Wright

Seconded: Cr Sharp

THAT Council:

1. acknowledge the contribution of the Palmerston and Litchfield Seniors Association in providing social opportunities and celebratory events for seniors living in the Litchfield Municipality;
2. continue to support the Palmerston and Litchfield Seniors Association with a three-year funding agreement 2025 - 2027, commencing with base-level funding of \$10,000 per annum for 2024 – 2025 with any additional funding to be considered during the 2025/26 budget process; and
3. advise the Palmerston and Litchfield Seniors Association that consideration of its application for an increase in funding for the second and third years of the agreement will be based on the provision of a budget identifying the need for such an increase.

**CARRIED (6/0) ORD2024 11-085**

**13.03 Infrastructure and Operations**

**13.03.01 Summary Planning and Development Report April 2024**

Moved: Cr Harlan

Seconded: Cr Salter

THAT Council:

1. receive and note the Summary Planning and Development Report February 2024.
2. note for information the responses provided to relevant agencies within Attachments A to F of this report.

**CARRIED (6/0) ORD2024 11-086**

**14. OTHER BUSINESS**

Nil.

## 15. CONFIDENTIAL ITEMS

Moved: Cr Sharp  
Seconded: Cr Harlan

THAT pursuant to Section 293(1) 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:

### 15.01 Confirmation of Confidential Minutes

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(d) information subject to an obligation of confidentiality at law, or in equity.

### 15.02 Moving of Confidential Items to Open

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(c)(iv) information that would, if publicly disclosed, be likely to subject to subregulation (3) - prejudice the interests of the council or some other person.

### 15.03 Appointment of Independent Member to RMAC

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(b) information about the personal circumstances of a resident or ratepayer.

### 15.04 Code of Conduct Complaints – Status Update

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

### 15.05 Breach of Code of Conduct Complaint – 5 March 2024

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



**15.06 Chief Executive Officer Performance Appraisal and Remuneration Review Committee Minutes – 9 April 2024**

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(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.

**15.07 Notice of Motion - Notice of Motion – Commonwealth Government \$10m Grant to Freds Pass**

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) subject to subregulation (3) - 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.

**CARRIED (6/0) ORD2024 11-087**

The meeting moved to Confidential Session at 6:57pm.

Moved: Cr Mackay  
Seconded: Cr Harlan

THAT pursuant to Section 293(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 (6/0) ORD2024 11-094**

The meeting moved to Open Session at 7:22pm.

**Items moved from Confidential:**

**15.02 Moving of Confidential Items to Open**

THAT Council:

1. resolves to move the confidential resolutions as listed in Attachment A to public; and
2. make public this resolution and the listing of resolutions as at Attachment A.

<b>Resolution Number</b>	<b>Date</b>	<b>Title</b>	<b>Resolution</b>
ORD2023 11-030	21/02/2023	Operational Service Review	THAT that Council support the proposed operational changes to the Organisation Structure.
ORD2023 11-046	21/03/2023	Correction of Assessment Record	THAT Council: 1. approve the Correction of the Assessment Record; and 2. approve the write-off rates and charges for, noting minor variances may occur dependant on discharge date: a. Assessments 10101293 totalling \$6,638.53; b. Assessments 10101285 totalling \$5,408.99; and c. Assessments 10109155 totalling \$5,408.99.
ORD2023 11-047	21/03/2023	Risk Management Audit Committee Unconfirmed Confidential Minutes - 22 February 2023	THAT Council receive and note the Risk Management Audit Committee unconfirmed confidential minutes from 22 February 2023 meeting, as at Attachment A.
ORD2023 11-109	20/06/2023	Risk Management Audit Committee Unconfirmed Confidential Minutes – 31 May 2023	THAT Council receive and note the Risk Management Audit Committee unconfirmed confidential minutes from 31 May 2023 meeting, as at Attachment A.
ORD2023 11-127	18/07/2023	Humpty Doo Village Green Fencing	THAT Council: 1. obtain three (3) written quotes containing a detailed scope; 2. authorises the expenditure of up to \$60,000 for the cost of replacing and

			upgrading the existing back boundary fence at the Humpty Doo Village Green Recreational Reserve.
ORD2023 11-145	15/08/2023	Order of Business	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. invite Acting Chief Executive Officer, Susan Watson and Manager Legislation and Policy, Doreen Alusa from the Local Government Unit, Department of the Chief Minister and Cabinet; and</li> <li>2. change the order of business to bring item 15.05 – Council Representation Selection forward for consideration.</li> </ol>
ORD2023 11-146	15/08/2023	Council Representation Selection	THAT Council lay the matter on the table.
ORD2023 11-175	19/09/2023	Risk Management Audit Committee Meeting Unconfirmed Confidential Minutes 6 September 2023	THAT Council receive and note the Risk Management Audit Committee unconfirmed confidential minutes from 6 September 2023 meeting, as at Attachment A.
ORD2023 11-177	19/09/2023	Development Consent Authority Nominations December 2023	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. receive and note correspondence from the Minister for Infrastructure, Planning and Logistics dated 15 August 2023, as at Attachment A;</li> <li>2. nominate the following persons to the Litchfield Division of the Development Consent Authority: First Nomination: Cr Emma Sharp Second Nomination: Cr Rachael Wright Third Nomination: Mayor Doug Barden Fourth Nomination: Cr Mark Sidey</li> <li>3. inform the Development Consent Authority of these nominations; and</li> <li>4. make public this resolution following official appointment by the Minister for Infrastructure, Planning and Logistics.</li> </ol>

ORD2023 11-179	19/09/2023	Sale of Land - 80 Southport Road and 84 Southport Road	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. approve the disposal of Section 2584 (80) Southport Road, Hundred of Cavenagh and Section 2583 (84) Southport Road, Hundred of Cavenagh through select tender notified on the Council website; and</li> <li>2. delegate to the Chief Executive Officer the power to a determine sale price, not less than the land value, as determined by an independent valuation.</li> </ol>
ORD2023 11-180	19/09/2023	Change the Order of Business	THAT Item 15.08 Breach of Code of Conduct Complaint be bought forward for consideration prior to Item 15.07 Workplace Matter.
ORD2023 11-198	17/10/2023	Order of Business	THAT Council change the order of business and move item 15.07 Humpty Doo Village Green Operating Hours forward for discussion.
ORD2023 11-200	17/10/2023	Potential Breach of Local Government Act	THAT Council receive and note the Potential Breach of Local Government Act report.
ORD2023 11-220	21/11/2023	Order of Business	THAT Council move items 15.06 Award Contract – RFT23-365 Maintenance of Pavement Repairs New Works and 15.10 Award Contract Variation – RFT23-329 LRCI Program – Southport Roads Upgrades forward for consideration.
ORD2023 11-223	21/11/2023	Risk Management Audit Committee Unconfirmed Confidential Minutes – 25 October 2023	THAT Council receive and note the Risk Management Audit Committee unconfirmed confidential minutes from 25 October 2023 meeting, as at Attachment A.
ORD2023 11-224	21/11/2023	Humpty Doo Village Green Operating Hours	THAT Council receive and note the Humpty Doo Village Green Operating Hours report.
ORD2023 11-226	21/11/2023	2023-24 Annual Community Grants	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. receive and note the unconfirmed Community Grants Committee meeting Minutes of 10 October 2023, at Attachment A and approve the allocation of the 2023-24 Annual Community Grant funds totalling \$33,188.73 comprising the following: <ol style="list-style-type: none"> <li>a. Berry Springs Playgroup – Install New portable shelving \$992.20</li> <li>b. Berry Springs Recreation Reserve Inc. – Various community events.</li> </ol> </li> </ol> <p>Funding allocated on the condition that quotes are provided to confirm the budget</p>

			<p>breakdown. \$5000.00</p> <p>c. Darwin and Rural Poultry Club – Purchase new exhibition cages. \$1090.00</p> <p>d. Humpty Doo Bowls Club - Replacement of fans and lighting upgrade \$3264.03</p> <p>e. Landcare NT – Native Flora, Fauna, and Biodiversity Science Education Program Funding conditional upon confirmation of the quote provided by Landcare NT in application. \$4999.50</p> <p>f. Southern Districts Crocs Football Club Inc– Purchasing New equipment (Fridge, Computer, ice vests, etc.) Funding conditional upon provision of supporting quotes to justify the cost of “Medical tape”. If the quotation is unacceptable, the final grant funding will be reduced by \$1216.00. \$5000.00</p> <p>g. Southport Progress Association – Purchase of new Fridge &amp; Freezer for Community Hall. \$3753.00</p> <p>15.03 2023-24 Annual Community Grants (Continued)</p> <p>h. Top End Gem Club – Purchase of new cabbing equipment. \$4090.00</p> <p>i. Darwin Rural Carols by Candlelight Committee (DRCCC) \$5000.00</p> <p>2. resolve to make the resolution public from 1 December 2023 to allow notification to applicants.</p>
ORD2023 11-229	21/11/2023	Code of Conduct Complaints – Status Update	<p>THAT Council:</p> <p>1. receive and note the Code of Conduct Complaints – Update report; and</p> <p>2. acknowledge that a separate report will be forthcoming to the Ordinary Council Meeting scheduled for 12 December 2023 in regard to the Salter vs Fletcher decision.</p>
ORD2023 11-245	12/12/2023	Code of Conduct Complaints – Status Update	THAT Council receive and note the Code of Conduct Complaints – Status Report.

ORD2023 11-246	12/12/2023	Australia Day Awards Panel Meeting Minutes	<p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. approve the Awards Panel’s recommendation that Melanie McMurdie be awarded the 2024 Litchfield Citizen of the Year title;</li> <li>2. approve the Awards Panel’s recommendation that Isabella Mairou be awarded the 2024 Litchfield Young Citizen of the Year title;</li> <li>3. approve the Awards Panel’s recommendation that Rotary Club of Litchfield &amp; Palmerston Inc. “Eat Up Project” be awarded the 2024 Litchfield Community Event of the Year;</li> <li>4. confirm the Australia Day Awards Panel Meeting Minutes 6 December 2023 (Attachment A);</li> <li>5. determine that this report remain confidential with the exception of Attachment A which will be uploaded to the Council website after 26 January 2024; and</li> <li>6. determine that the resolution be made public after 26 January 2024.</li> </ol>
ORD2024 11-014	16/01/2024	Code of Conduct Complaints – Status Report	THAT Council receive and note the Code of Conduct Complaints – Status Report.
ORD2024 11-039	20/02/2024	Code of Conduct Complaints – Status Report	THAT Council receive and note the Code of Conduct Complaints – Status Report.
ORD2024 11-061	19/03/2024	Risk Management and Audit Committee Unconfirmed Confidential Minutes - 25 October 2023	THAT Council receive and note the Risk Management Audit Committee unconfirmed confidential minutes from 29 February 2024 meeting, as at Attachment A.
ORD2024 11-063	19/03/2024	Code of Conduct Complaints - Status Report	THAT Council receive and note the Code of Conduct Complaints – Status Report.
ORD2024 11-064	19/03/2024	Order of Business	THAT Council change the order of business and bring forward Items 15.07 Award Contract – RFT23-375 Guys Creek Road Upgrade and Item 15.08 Award Contract – RFT23-414 Reseal Various Roads for consideration.

**15.03 Appointment of Independent Risk Management Audit Committee Member**

THAT Council:

1. appoints Shane Smith as independent member of the Risk Management and Audit Committee for a term of four years, ending 31 December 2027; and
2. makes public this resolution from this report in the open minutes of the Council meeting.

**17. CLOSE OF MEETING**

The Chair closed the meeting at 7:22pm.

**18. NEXT MEETING**

Tuesday 21 May 2024.

**MINUTES TO BE CONFIRMED**

Tuesday 21 May 2024.

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Mayor  
Doug Barden

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Chief Executive Officer  
Stephen Hoyne

unconfirmed