



## COUNCIL MINUTES

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### LITCHFIELD COUNCIL MEETING

**Minutes of Ordinary Meeting**  
**held in the Council Chambers, Litchfield**  
**Tuesday 19 March 2024 at 6:00pm**

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<b>Present</b>	Doug Barden Rachael Wright Andrew Mackay Kevin Harlan Emma Sharp Mathew Salter Mark Sidey	Mayor (Chair) Deputy Mayor, Councillor North Ward Councillor Central Ward Councillor Central Ward ( <i>electronically</i> ) Councillor South Ward Councillor North Ward Councillor South Ward
<b>Staff</b>	Stephen Hoyne Rodney Jessup Rebecca Taylor  Ashleigh Young Debbie Branson	Chief Executive Officer Director Infrastructure and Operations Policy and Governance 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 6:00pm*

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**

Moved: Cr Sharp  
Seconded: Deputy Mayor Wright

THAT Council approve Cr Harlan to attend the meeting electronically.

**CARRIED (7/0) ORD2024 11-044**

#### **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**

Councillor Salter disclosed a conflict of interest (during the Confidential Section of the Meeting) in Item 15.05 Breach of Code of Conduct Complaint – 16 January 2024 and agreed to leave the meeting before this item was considered.

#### **4.2 Staff**

Chief Executive Officer, Stephen Hoyne disclosed a conflict of interest in Items 15.05 Breach of Code of Conduct Complaint – 16 January 2024; Item 15.06 NTCAT Orders Case Number 2023-04224-CT; Item 15.09 Notice of Motion – Chief Executive Officer Performance Appraisal and Remuneration Review Committee – Terms of Reference – Amendment; and Item 15.10 Notice of Motion – Council Representatives Appointed to Committees – Chief Executive Officer Performance Appraisal and Remuneration Review Committee and agreed to leave the meeting before these items were considered.

**5. PUBLIC QUESTIONS**

Nil.

**6 CONFIRMATION OF MINUTES**

**6.1 Confirmation of Minutes**

Moved: Deputy Mayor Wright  
Seconded: Cr Mackay

THAT Council confirm the:

- Ordinary Council Meeting held Tuesday 20 February 2024, 11 pages; and
- Ordinary Confidential Council Meeting held Tuesday 20 February 2024, 4 pages.

**CARRIED (7/0) ORD2024 11-045**

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

Moved: Cr Mackay  
Seconded: Cr Harlan

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

**CARRIED (7/0) ORD2024 11-046**

**7. PETITIONS**

Nil.

**8. DEPUTATIONS AND PRESENTATIONS**

Nil.

**9. ACCEPTING OR DECLINING LATE ITEMS**

Moved: Cr Mackay  
Seconded: Cr Sharp

THAT the late report Item 15.07 Award Contract – RFT23-376 Guys Creek Road, be accepted and included under Officer's Reports in the Confidential Section of the meeting for consideration.

**CARRIED (7/0) ORD2024 11-047**

**10. NOTICES OF MOTION**

Refer to:

**Item 15.09 Notice of Motion - Chief Executive Officer Performance Appraisal and Remuneration Review Committee – Terms of Reference – Amendment**

**Item 15.10 Notice of Motion - Council Representatives Appointed to Committees - Chief Executive Officer Performance Appraisal and Remuneration Review Committee**

**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 21 February 2024 to 19 March 2024.

**CARRIED (7/0) ORD2024 11-048**

**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 Item 13.01.05 RMAC Unconfirmed Minutes 29 February 2024

**13. OFFICERS’ REPORTS**

**13.01 Corporate and Community**

**13.01.01 Litchfield Council Finance Report – February 2024**

Moved: Cr Sidey  
Seconded: Cr Harlan

THAT Council note the Litchfield Council Finance Report for 29 February 2024.

**CARRIED (7/0) ORD2024 11-049**

**13.01.02 People, Performance and Governance Report – February 2024**

Moved: Deputy Mayor Wright  
Seconded: Cr Sharp

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

**CARRIED (7/0) ORD2024 11-050**

**13.01.03 Draft GOV19 Breach of Code of Conduct**

Moved: Cr Sidey  
Seconded: Deputy Mayor Wright

THAT Council:

1. adopt the draft policy GOV19 Breach of Code of Conduct, as at Attachment A; and
2. authorise the Chief Executive Officer to make minor amendments.

**CARRIED (7/0) ORD2024 11-051**

**13.01.04 Draft GOV02 Meeting Procedures Policy**

Moved: Cr Sharp  
Seconded: Cr Salter

THAT Council:

1. adopt the draft policy GOV02 Meeting Procedures Policy, as at Attachment A, and
2. authorise the Chief Executive Officer to make minor amendments.

**CARRIED (7/0) ORD2024 11-052**

**13.01.05 Risk Management Audit Committee Open Minutes – 29 February 2024**

Moved: Cr Sidey  
Seconded: Cr Harlan

THAT Council receive and note the Risk Management Audit Committee unconfirmed open minutes from 29 February 2024 meeting, as at Attachment A.

**CARRIED (7/0) ORD2024 11-053**

**13.01.06 Closure of Local Government Compliance Review 2022**

Moved: Cr Sharp  
Seconded: Cr Mackay

THAT Council:

1. receive and note correspondence from the Local Government Division, Department of the Chief Minister and Cabinet dated 12 March 2024, at Attachment A; and
2. acknowledge the Compliance Officers Local Government Division, Department of the Chief Minister and Cabinet and thank them for the insights and improvements opportunities identified via the compliance review process.

**CARRIED (7/0) ORD2024 11-054**

**13.02 Executive and Community Development**

**13.02.01 Community Services and Development Monthly Report – February 2024**

Moved: Cr Salter

Seconded: Cr Sharp

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

**CARRIED (7/0) ORD2024 11-055**

**13.02.02 Draft FIN07 Community Grants, Donations and Sponsorship Policy**

Moved: Cr Mackay

Seconded: Cr Sidey

THAT Council:

1. adopt the draft policy FIN07 Community Grants, Donations and Sponsorship Policy, as at Attachment A;
2. authorises the Chief Executive Officer to make minor amendments.

**A division was called**

**Those voting in favour of the motion were Deputy Mayor Wright, Cr Mackay, Cr Sidey, Cr Sharp and Cr Harlan**

**Those voting against the motion were Mayor Barden and Cr Salter**

**CARRIED (5/2) ORD2024 11-056**

**13.02.03 Draft COM01 Youth Policy**

Moved: Cr Salter

Seconded: Cr Sharp

THAT Council:

1. adopt the draft COM01 Youth Policy, as at Attachment A, with a review date of one year; and
2. authorise the Chief Executive Officer to make minor amendments.

**CARRIED (7/0) ORD2024 11-057**

**13.02.04 Sponsorship Request: Darwin River Tavern in Collaboration with Osprey Events**

Moved: Cr Sidey

Seconded: Cr Sharp

THAT Council:

1. lift from the table 13.02.04 Sponsorship Request: Darwin River Tavern in Collaboration with Osprey Events from 20 February 2024 as at Attachment A;
2. authorise the provision of one-time funding, with the amount, not exceeding \$5,000.00, to be determined by Council, to contribute towards covering the costs for a service aimed at enhancing the safety of the event and its attendees, and aiding in risk mitigation for an event within the municipality;
3. approve the addition of an amount determined by Council but not exceeding \$5,000.00, to Budget 2025 in accordance with FIN04 Financial Reserves Policy; and
4. authorise the Chief Executive Officer, or appointed delegate, to draft an agreement between Litchfield Council and the Darwin River Tavern, ensuring the inclusion of the Litchfield Council logo on promotional items, list Litchfield Council as an official sponsor on the event webpage, and grant the council delegates the right to display the council logo in the form of banners, flags, and/or signs onsite for the duration of the event.

**A division was called**

**Those voting in favour of the motion were Deputy Mayor Wright, Cr Sidey, Cr Sharp, Cr Harlan and Cr Mackay**

**Those voting against the motion were Mayor Barden and Cr Salter  
CARRIED (5/2) ORD2024 11-058**

**13.03 Infrastructure and Operations**

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

Moved: Deputy Mayor Wright

Seconded: Cr Sharp

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 H of this report.

**CARRIED (7/0) ORD2024 11-059**

## **14. OTHER BUSINESS**

### **14.01 Berry Springs Waste Transfer Station – Opening Hours**

A briefing report was requested in relation to the waste transfer station opening hours at Berry Springs.

### **14.02 Driveway and Crossover Policy**

For discussion at a briefing.

## **15. CONFIDENTIAL ITEMS**

Moved: Cr Mackay

Seconded: Cr Sidey

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 Risk Management and Audit Committee Unconfirmed Confidential Minutes 25 October 2023**

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.

### **15.03 Application for Write-Off of Rates Charges**

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 – 16 January 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 NTCAT Orders – Case Number 2023-04224-CT**

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 Tender RFT23-376 Guys Creek Road Upgrade**

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

**15.08 Tender RFT23-414 Research Various Roads**

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

**15.09 Notice of Motion - Chief Executive Officer Performance Appraisal and Remuneration Review Committee – Terms of Reference - Amendment**

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.

**15.10 Notice of Motion - Council Representatives Appointed to Committees - Chief Executive Officer Performance Appraisal and Remuneration Review Committee**

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.

**CARRIED (7/0) ORD2024 11-060**

The meeting moved to Confidential Session at 7:20pm.

Moved: Cr Mackay

Seconded: Cr Sidey

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 (5-0) ORD2024 11-072**

The meeting moved to Open Session at 8:32pm.

***Items moved from Confidential:***

**15.03 Application to Write-Off Rates Charges**

Moved: Cr Mackay

Seconded: Cr Salter

THAT Council:

1. write-off rates charges, totalling \$22,287.23, for Assessment 10103430 and 10105849 being a cancelled lot.
2. make public its resolution on this matter.

**CARRIED (7/0) ORD2024 11-062**

**17. CLOSE OF MEETING**

The Chair closed the meeting at 8:32pm.

**18. NEXT MEETING**

Tuesday 16 April 2024.

**MINUTES TO BE CONFIRMED**

Tuesday 16 April 2024.

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Mayor  
Doug Barden

.....  
Chief Executive Officer  
Stephen Hoyne

unconfirmed