MINUTES OF THE LITCHFIELD COUNCIL MEETING
HELD ON WEDNESDAY 20 APRIL 2016
AT COUNCIL CHAMBERS, BEES CREEK ROAD, FRED'S PASS

Present   Maree Bredhauer         Mayor
          Letchimi Wright            Councillor North Ward
          Kirsty Hunt                Councillor East Ward
          Doug Barden                Councillor South Ward
          Christine Osborn           Councillor Central Ward

Staff     Kaylene Conrick         Chief Executive Officer
          Stuart Totham             Acting Director of Corporate & Community Services
          Wendy Smith               Planning Manager
          Aisla Connolly             Executive Assistant

Public    Neville Driver          Palmerston and Rural Seniors Committee
          Marg Lee                  Palmerston and Rural Seniors Committee
          Geoff Boyton              Palmerston and Rural Seniors Committee
          Emma Sharp                Lloyd Creek
          Debbie Turner             Darwin
          Susan Statham             Blackmore
          Geoff Baker               Noonamah
          Carolyn Reynolds          Lake Bennett
          Anna Malgorzewicz         Acacia Hills
          Lyle Hebb                  Acacia Hills

1. OPENING OF MEETING

   The Mayor opened the Meeting at 6.03pm welcoming members of the public.

   Audio Disclaimer
   An audio recording of this meeting is being made for minute taking purposes as authorised by
   the Chief Executive Officer.

   Acknowledgement
   The Mayor acknowledged that the meeting was held on the traditional country of the Larrakia
   people and paid her respects to the Elders past and present for their continuing custodianship
   of the land and the children of this land across generations.
2. APOLOGIES AND LEAVE OF ABSENCE

Mayor Bredhauer provided Notice of Leave for the following dates:
Saturday 26 May to Tuesday 29 May (inclusive).

Councillor Osborn provided Notice of Leave for the following dates:
Midday Monday 18 April to midday Wednesday 20 April

2.1 Acceptance of Apologies and Leave of Absence

THAT Leave of Absence requested by Mayor Maree Bredhauer for the above dates was granted.

THAT Leave of Absence requested by Councillor Osborn for the above dates was granted.

CARRIED

3. CONFIRMATION OF MINUTES

3.1 THAT the Minutes of the Council Meeting held Wednesday 16 March 2016, 9 pages are confirmed.

Moved: Cr Hunt
Seconded: Cr Wright

CARRIED

4. BUSINESS ARISING FROM THE MINUTES

4.1 THAT the Action List to 16 March 2016 is accepted.

Moved: Cr Osborn
Seconded: Cr Barden

CARRIED

5. CONFLICTS OF INTEREST

Nil

6. PRESENTATIONS

Neville Driver and Geoff Boyton from Palmerston and Rural Seniors Committee presented to Council in relation to Report Number 16/0076.
7. **PUBLIC FORUM**

*The matters raised here have been paraphrased and summarised.*

Comment/Question

Mr Baker raised his and the communities concerns in relation to the Developer of Noonamah Ridge non requirement to have a water extraction license. Mr Baker advised Council that he manages a Facebook page “say no to Noonamah Ridge Estate” where residents have been raising concerns in relation to the water extraction license. Mr Baker queried Councils letter to the Controller of Water Resources on page 181 of tonight’s agenda. Paragraph two of the letter states “no water licence is actually required for this extraction”. Mr Baker stated that he had verbal confirmation from Mr Ian Smith the Manager of the Licencing Branch that in fact they do need a license, they are a commercial developer who will be using large quantities of water. The Environmental Impact Statement clearly states the amounts.

Comment/Question

Mr Hebb commented on his surprise at Council supporting the 53 lot development in Berry Springs PA2015/0768 and advised Council that he is also concerned about the water extraction license for the proposed Noonamah Ridge Estate.

Comment/Question

Ms Statham queried the 2012 Private Road Policy Number 29, the list of private roads Council maintains does not include the Private Road where Ms Statham lives. Ms Statham asked if Council could update the policy to include this road off Stockwell Road. Ms Statham stated that 10 people live on the road who all pay rates and that they should get the same services for their rates as other residents. Further, Council members and staff have investigated the drainage issues in the past with some suggestions to raise Stockwell Road, install a drain but Telstra lines prevent these solutions. The CEO took the question on notice.

8. **ACCEPTING OR DECLINING LATE ITEMS**

THAT Council

8.1 receive late Report 16/0091 Upgrading of Freds Pass, Redcliffe and Krichauff Road Intersection

8.2 receive late Confidential Report 16/0093 Upgrading of Freds Pass, Redcliffe and Krichauff Road Intersection Evaluation Report

Moved: Cr Osborn
Seconded: Cr Hunt

CARRIED

9. **NOTICES OF MOTION**

Nil
10. MAYORS REPORT

10.1 THAT Council receive the Mayor’s verbal report.

Moved: Cr Hunt
Seconded: Cr Wright

Councillors Hunt, Osborn and Barden provided a verbal update on activities over the last few weeks.

CARRIED

11 REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

11.1 THAT Council receive the verbal report from Council Representative Councillor Barden AACo Community Reference Group.

Moved: Cr Hunt
Seconded: Cr Wright

CARRIED

12. FINANCE REPORT

12.1 FINANCIAL REPORT MARCH 2016


Moved: Cr Wright
Seconded: Cr Osborn

CARRIED

13. OFFICERS REPORTS

13.01 Appointment and Term of Deputy Mayor 16/0053

 THAT Council

1. determines to provide each councillor with the opportunity to hold the position of deputy mayor for a period during this term of council.
2. extends the appointment of Councillor Barden as Deputy Mayor for one month concluding 17 May 2016;
3. appoints Councillor Hunt as Deputy Mayor for the five month period from 18 May 2016 until 18 October 2016;
4. appoints Councillor Osborn as Deputy Mayor for the five month period from 19 October 2016 until 21 March 2017;
5. appoints Councillor Wright as Deputy Mayor for the five month period from 22 March 2017 until the conclusion of Council’s term in August 2017.
Moved: Cr Hunt
Seconded: Cr Osborn

**13.02 Quarterly Report January – March 2016: Executive Services 16/0079**

THAT Council receive Report Number 16/0079.

Moved: Cr Wright
Seconded: Cr Osborn

**13.03 Palmerston and Rural Seniors Committee Inc. Sponsorship Funding 16/0076**

THAT Council

1. Enters into a three year sponsorship agreement with the Palmerston and Rural Seniors Committee Inc. for $5,000 each year; and
2. Allocates $5,000 in the Budget 2016/17 and includes $5,000 each 2017/18 and 2018/19 in Councils Long Term Financial Plan.

Moved: Cr Osborn
Seconded: Cr Hunt

**THAT Council suspend standing orders to deal with technology issues at 6.50pm.**

Moved: Cr Wright
Seconded: Cr Hunt

**THAT Council resume standing orders at 6.55pm.**

Moved: Cr Wright
Seconded: Cr Hunt

**13.04 Quarterly Report January – March 2016: Infrastructure and Planning 16/0091**


Moved: Cr Barden
Seconded: Cr Wright

CARRIED
13.05 Acquisition Application of Mira Square, at Section 0368 (24) Aldridge Street, Southport
16/0061

THAT Council
1. Endorses the Acquisition Application of Mira Square, at Section 0368 (24) Aldridge Street, Southport
2. Approves the allocation of a $20,000 grant to the Southport Progress Association as seed funding for the financial year 2016/17; and
3. Allocates $10,000.00 annually, commencing in 2017/18 as an operating grant to the Southport Progress Association to manage Mira Square.

Moved: Cr Barden
Seconded: Cr Osborn

CARRIED

13.06 PA2016/0137, a Development Permit for independent unit with an independent effluent disposal system at Lot 34 (50) Jacomb Place, Virginia, Hundred of Strangways 16/0078

THAT Council receive this report for information and note Councils submission on PA2016/0137, a Development Permit for independent unit with an independent effluent disposal system at Lot 34 (50) Jacomb Place, Virginia, Hundred of Strangways.

Moved: Cr Wright
Seconded: Cr Hunt

CARRIED

13.07 PA2106/0135, a Development Permit for an independent unit with an independent effluent disposal system at Lot 21 (75) Jervois Road, Virginia, Hundred of Strangways 16/0080

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0135, a Development Permit for an independent unit with an independent effluent disposal system at Lot 21 (75) Jervois Road, Virginia, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Barden
Seconded: Cr Hunt

CARRIED

13.08 PA2016/0140, a Development Permit for alterations and additions to an existing shop at Section 1786 (960) Cox Peninsula Road, Berry Springs, Hundred of Ayers 16/0081

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0140, a Development Permit for alterations and additions to an existing shop at Section 1786 (960) Cox Peninsula Road, Berry Springs, Hundred of Ayers, the assessment of which is summarised above and reviewed in detail within the body of this report.
Moved:  Cr Hunt
Seconded:  Cr Osborn

CARRIED

13.09 PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089

THAT Council endorse Attachment B, Council's Letter of Comment for PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved:  Cr Barden
Seconded:  Cr Hunt

A DIVISION WAS CALLED

FOR  Cr Barden and Cr Hunt
AGAINST  Cr Osborn, Cr Wright and Mayor Bredhauer

Motion lost.

THAT Council writes to the Development Consent Authority indicating that it does not support the application PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089 in its current form, including drainage, water and conservation issues.

Moved:  Cr Wright
Seconded:  Cr Osborn

Amendment

THAT Council writes to the Development Consent Authority indicating that it does not support the application PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607 (185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089 in its current form, including drainage, water, roads and conservation issues.

Moved:  Cr Barden
Seconded:  Cr Wright

CARRIED

THAT Council writes to the Development Consent Authority indicating that it does not support the application PA2015/0768, a Development Application for Unit title schemes subdivision to create 53 lots and common property at Section 1603 and Section 1607

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(185) Cyrus Road, Berry Springs, Hundred of Ayers 16/0089 in its current form, including drainage, water, roads and conservation issues.

Moved: Cr Wright
Seconded: Cr Hunt
CARRIED

13.10 PA2016/0162, a Development Application for independent unit exceeding 80m² in floor area, with an independent effluent disposal system at Section 2391 (470) Reedbeds Road, Tumbling Waters, Hundred of Cavenagh 16/0087

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0162, a Development Application for independent unit exceeding 80m² in floor area, with an independent effluent disposal system at Section 2391 (470) Reedbeds Road, Tumbling Waters, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Barden
Seconded: Cr Wright
CARRIED

13.11 PA2016/0022, a Development Application for subdivision to create two lots at Lot 9 (667) Reedbeds Road, Darwin River, Hundred of Cavenagh 16/0082

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0022, a Development Application for subdivision to create two lots at Lot 9 (667) Reedbeds Road, Darwin River, Hundred of Cavenagh, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Wright
Seconded: Cr Hunt
CARRIED

13.12 PA2016/0110, a Development Application for cold room addition to an existing hotel at Section 5368 (1801) Stuart Highway, Noonamah, Hundred of Strangways 16/0085

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0110, a Development Application for cold room addition to an existing hotel at Section 5368 (1801) Stuart Highway, Noonamah, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Osborn
Seconded: Cr Barden
CARRIED
13.13 PA2016/0168, a Development Application for independent Unit with independent effluent disposal system at Section 3340 (46) Daniel Circuit, Herbert, Hundred of Strangways 16/0088

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0168, a Development Application for independent Unit with independent effluent disposal system at Section 3340 (46) Daniel Circuit, Herbert, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Barden  
Seconded: Cr Wright  
CARRIED

13.14 PA2016/0149, a Development Application for changes to DP14/0092 to include a caretakers residence in excess of 50m2 at Section 4117 (9) Waters Street, Humpty Doo, Hundred of Strangways 16/0083

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0149, a Development Application for changes to DP14/0092 to include a caretaker’s residence in excess of 50m2 at Section 4117 (9) Waters Street, Humpty Doo, Hundred of Strangways, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Hunt  
Seconded: Cr Barden  
CARRIED

13.15 PA2014/0322, a Development Application for subdivision to create 2 lots at Section 3869 (145) Stow Road, Howard Springs, Hundred of Bagot 16/0084

THAT Council endorse Attachment B, Councils Letter of Comment for PA2014/0322, a Development Application for subdivision to create 2 lots at Section 3869 (145) Stow Road, Howard Springs, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Hunt  
Seconded: Cr Osborn  
CARRIED

13.16 PA2016/0171, a Development Application for shed with reduced street and side boundary setback at Section 3010 (1) Avocet Place, Howard Springs, Hundred of Bagot 16/0086

THAT Council endorse Attachment B, Councils Letter of Comment for PA2016/0171, a Development Application for shed with reduced street and side boundary setback at
Section 3010 (1) Avocet Place, Howard Springs, Hundred of Bagot, the assessment of which is summarised above and reviewed in detail within the body of this report.

Moved: Cr Wright
Seconded: Cr Hunt
CARRIED

13.17 Subdivision Section 3816 Hundred of Strangways creating Section 5870 5871 titles. 16/0077

THAT Council

1. affix the Common Seal to the documentation for Subdivision of Section 3816 Hundred of Strangways DP 15/0507.
2. execute the documentation for the Subdivision of Section 3816 Hundred of Strangways DP 15/007.

Moved: Cr Hunt
Seconded: Cr Barden
CARRIED

13.18 Water Extraction Licence Application Section 5827, Section 5758, Section 5761 and Section 507, Hundred of Strangways 16/0093

THAT Council endorse comments provided to the Controller of Water Resources on this application, included as Attachment A.

Moved: Cr Barden
Seconded: Cr Osborn

Motion lost.

THAT Council

1. instruct administration to write a letter to the Controller of Water Resources and the Minister of Land Resource Management and Minister for the Environment strongly expressing concerns of the community as raised at Council tonight
2. include in its letter concerns about the confusion within the community, regarding the requirement of a license.

Moved: Cr Hunt
Seconded: Cr Wright
CARRIED

13.19 Litchfield Development Consent Authority nominations 16/0092

THAT Council nominate Councillor Osborn and Ms Wendy Smith, Councils Planning Manager, for appointment by the Minister for Lands and Planning to the Litchfield

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Branch of the Development Consent Authority, with Councillor Barden nominated as alternative.

Moved: Cr Wright  
Seconded: Cr Hunt  
CARRIED

13.20 Freds Pass, Redcliffe and Krichauff Intersection Upgrade Tender Awarding RFT 16-130 16/0091

THAT Council
1. awards Tender RFT 16-130 Freds Pass, Redcliffe and Krichauff intersection upgrade to Allan King and Sons, for the lump sum of $778,574.64 exclusive of GST and $856,432.00 inclusive of GST;
2. authorises the Chief Executive Officer to sign all necessary documentation related to Tender RFT 16-130 Freds Pass, Redcliffe and Krichauff intersection upgrade; and
3. advises the unsuccessful tenderers accordingly.

Moved: Cr Osborn  
Seconded: Cr Hunt  
CARRIED

14. OTHER BUSINESS
Nil

15. QUESTIONS FROM THE PUBLIC
The questions raised here have been paraphrased and summarised.

Comment/Question
Ms Reynolds suggested that Council host a formal meeting in relation to the Proposed Noonamah Ridge Development inviting the appropriate people, held at a venue where all attendees can hear the speaker. The Mayor advised that the Council would consider the suggestion.

Comment/Question
Mr Hebb commented on the lack of air-conditioning in the Council Chambers and the lack of lighting for the Public Gallery along with the misalignment to the screen. The comments were taken on notice.

Comment/Question
Ms Malgorzewicz queried potential changes to rating regimes noting Councils discussion on dual occupancy/dual rating, suggested that Council proceed in a prudent and inclusive way, with community engagement, to gain a better understanding.

Comment/Question
Ms Statham questioned why Council maintain Pipeline Road if they don’t own it after hearing Council discuss Report Number 16/0082. The question was taken on notice.

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Comment/Question
Mr Hebb reminded Council of his previous recommendation to fix the issues with battle-axe blocks. The CEO advised that there is a program in place, permission is required from 100% of the residents of each road, it is a complex issue that will take considerable time but Council is currently working on it.

16. CONFIDENTIAL ITEMS
THAT
1. 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 at 8.19pm to consider the following Confidential Items:-
   Item 16.01 CEOs Performance and Objectives January 2016 16/0075
   Regulation 8(a) Reason - 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;
   Item 16.02 Freds Pass, Redcliffe, Krichauff Road Intersection Upgrade Evaluation Report 16/0093
   Regulation 8(c)(i) Reason - information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

2. Council orders that the minutes from the Confidential Council meeting held on 20 April 2015, in relation to confidential item number 16/0075 CEOs Performance and Objectives January 2016 and associated documents remain confidential and not available for public inspection for a period of 5 years from the date of this meeting or a lesser period as determined by the Chief Executive Officer.

   Moved: Cr Hunt
   Seconded: Cr Wright
   CARRIED

The Chief Executive Officer left the room at 8.26pm while Council discussed Item 16.01.

The Chief Executive Officer returned to the room at 8.35pm for discussion of Item 16.02.

3. 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 at 8.45pm.

   Moved: Cr Osborn
   Seconded: Cr Hunt
   CARRIED

The meeting moved to the Open Session at 8.46pm
17. **NEXT MEETING**  
6:00pm Wednesday 18 May 2016

18. **CLOSE OF MEETING**  
The meeting closed at 8.47pm

**MINUTES TO BE CONFIRMED**  
Wednesday 18 May 2016