MINUTES OF THE LITCHFIELD COUNCIL MEETING
HELD ON THURSDAY 18th JUNE 2015
AT COUNCIL CHAMBERS, BEES CREEK ROAD, FRED'S PASS

Present
Frank Crawley Official Manager
Ben Dornier Acting Chief Executive Officer
Diane Chellingworth Business Economic Dev. Manager
Valerie Urbain Finance Manager
Graeme Francis Acting Director of Infrastructure
Glen Minaker Thorak Regional Cemetery Manager
Aisla Connolly Acting Council Secretary

Staff

Public
Christine Osborn Bees Creek
Anna Malgorzwicz Acacia Hills
Lyle Hebb Acacia Hills
Russel Anderson Berry Springs
Mike Bowman Humpty Doo
Mathew Salter Howard Springs
Tai Kairupau McMinns Lagoon
Flo Peters McMinns Lagoon
Lyn Gerdes Virginia
Lorraine Colliver Virginia
Peter Thomas Virginia
Ralf Koberstein Howard Springs
Tony Hardwick Humpty Doo
John Kearney Humpty Doo
Dani McDonald NT News
Tony Cox Clouston & Associates

1. OPENING OF MEETING

The Official Manager, Frank Crawley opened the Meeting at 6.30pm 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.

2. APOLOGIES AND LEAVE OF ABSENCE

Nil
3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting held Thursday 21st May 2015
The Official Manager called for confirmation of the Minutes of the Ordinary Meeting held Thursday 21st May, 2015.
It was approved that the Minutes of the Ordinary Meeting held Thursday 21st May 2015 are confirmed in full with nil amendments.

4. BUSINESS ARISING FROM THE MINUTES

Nil

5. CONFLICTS OF INTEREST

Nil

6. PRESENTATIONS

Tony Cox from Clouston & Associates provided a presentation on the Thorak Regional Cemetery Master Plan.

7. PUBLIC FORUM

Mrs Florence Peters from McMinns Lagoon informed Council of the increasing difficulty of getting in and out of her driveway at the intersection of Power Road and Pioneer Drive. Ms Peters advised of the long wait giving way to get out of her property and advised that there is not enough room for vehicles to pass me while giving way to oncoming traffic to get into her property. Ms Peters provided the history of the intersection; at first (in 1980) it was a T intersection, then it got changed to a curve/bend, then it was blocked off with smashed culverts. Ms Peters suggested fixing the Arnhem Highway entrance and queried what Council could do about the problem. The Acting CEO instructed Ms Peters and Acting Director of Infrastructure Graeme Francis to meet to resolve the issue.

Mr Hardwick asked the Official Manager if his report to the Minister would a. be available to the public, and b. within a reasonable timeframe. The Official Manager informed Mr Hardwick of the process and advised that the Minister will decide action whether it is available to the public and when.

Mr Hardwick stated his agreement with Mrs Peters that Power Road is too narrow. Mr Hardwick informed the Council of the “most dangerous intersection in the Territory” at the Freds Pass Road, Arnhem Highway intersection involving school buses and road trains. Mr Hardwick stated that he realised that the Arnhem Highway is owned by the NT Government the intersection is within Litchfield Council municipality. The Arnhem Highway has Litchfield Council ratepayers living on it. The Acting CEO advised that the NT Government does own the road with some funding coming from the Federal Government and informed the public that there are upgrades occurring soon although he was unsure whether the upgrades would resolve the issues. Mr Hardwick advised that the matter was urgent.
Ms Osborn reminded Council that last month the Development Consent Authority (NT Government Department of Planning) want Councils opinion on planning applications. Ms Osborn queried if the public provide Council with their opinion a. would that be captured? b. how would that be captured, and c. how would that information be fed to the DCA? The Official Manager confirmed that the Development Consent Authority is happy to receive comments from Council. The elected Council would formalise the process of community concerns e.g. Delegate to staff then report to Council. At this stage take your concerns to your local Members of Legislative Assembly.

Ms Osborn reminded Council of their unawareness of the public meeting at Holtze last month and therefore informed Council of a Public Meeting on Monday 22 June at Freds Pass Reserve in the market shed regarding saying no to small urban blocks in the municipality. Ms Osborn tabled the information flyer.

Ms Osborn queried when the next annual questionnaire will be conducted as per the Council’s website the last one was conducted in 2012. Ms Osborn also queried the quarterly monitoring of Key Performance Indicators. The Acting CEO advised that the annual survey will be performed in the next twelve months. The Official Manager advised that a community satisfaction survey is budgeted for within the 2015/2016 Municipal Plan.

Ms Osborn asked that when considering the agenda item regarding the policy on recording Council meetings that Council hold the recordings for a minimum of six months. The Acting CEO advised that policy would be considered later in the meeting.

Mr Salter stated that there was a survey conducted by Council staff at the Freds Pass Rural Show. The Acting CEO stated the various ways of conducting a survey but Councils aim is to get statistically accurate information from various demographics.

Ms Malgorzewicz asked Council if they would be providing a replacement representative for the AACO Meat Processing Facility Reference Group. The issues of odour, noise and light continue. The Official Manager stated that yes; the Council are waiting on a response which has been delayed due to a change in management. Ms Malgorzewicz will advise Council when the next meeting will occur.

Mr Hebb queried the possible closure of the Berry Springs Waste Transfer Station from 6.00 p.m. to 6.00 a.m. The Acting CEO informed the public that due to a resourcing issued that is a possibility. Mr Hebb asked a. If community consultation will occur, b. when the illegal dumping occurs because of the closure will Council clean up, and c. will Council provide an after hours waste service? The Acting CEO advised his awareness of the community using the facility after work. The Official Manager stated that a decision would not be made at operational level; a report would have to go to Council. Mr Hebb asked if the closure would occur in the next two months. The Acting CEO advised that it would not be happening this month.

Mr Hardwick voiced his concern of the Government pushing the cost to maintain roads onto the Council (ratepayers) e.g. inheriting the maintenance of Finn Road, Berry Springs. Arterial
roads. The Acting Director of Infrastructure, Graeme Francis advised that meetings held including the Department of Transport, the Extractive Industries Association are ongoing significantly loads on road, technical investigation road is deficient design to bring up to current needs used like an arterial, support, grant, funding federal, NTG, sources to try to resolve it. When it is not just the ratepayers who utilise the road. The fact that rates may have to rise to cover these costs is unfair. It shouldn’t be Council responsibility. Official Manager noted, trying to get contribution.

Mr Salter queried the Wadham Lagoon Joint Venture with NT Government. Acting CEO advised the project has been handed back to the NTG, due to flux in organisation, Department carry out works.

Mr Kearney queried whether a special permit had been provided for the large volume of triple road trains on Freds Pass Road from the construction of the new Humpty Doo Industrial Area during the hours of 7.00 a.m. to 7.00 p.m. It is a small road with old seal. The Acting CEO stated that there has been no undertaking to a commercial operator. Recently Council have had two meetings with the Department of Transport, Department of Lands and Planning and peak bodies in the Trucking Industry to find better ways to move freight on our roads. We need to allow business to occur with the least amount of impact to residents. Triple road trains does take life off the road, it is a big issue, all involved are aware of Council feelings. Mr Kearney also added that school buses regularly use that road. I got in trouble for driving a flat bed truck on the road a few years ago; it seems there is a double standard.

Mr Hardwick increasing rates, increasing population, spread greater, cost should be less, no services, mail, water, Unimproved Capital Value hope Council does not consider this. The Official Manager Municipal Plan.

Mr Thomas asked what input does Council have on planning issues, if any does the input reflect resident’s point of view? The Official Manager advised that as per legislation Council responds to the infrastructure impacts. Council can make comment, but it is not Council responsibility to approve/not approve subdivisions/rezoning, this is the Development Consent Authority (DCA)/Ministers responsibility. Council can take the concerns of the community to DCA by submission. There is currently no cohesive process or policy of Darwin, Palmerston and Litchfield Councils where interstate it is Councils responsibility.

Mr Salter said the Public Meetings consist of 40-100 people who are against development. Mr Thomas advised that he has been arranging the Public Meeting, as developers come in to make money, Council should be able to reflect our views to DCA. The Official Manager said there is nothing stopping Council doing that. The Acting CEO advised that the stance of Council, decisions made over time, resolutions explain the view of Council on a particular matter, easy for Officers to provide Councils stance on a particular matter to the DCA, once precedents are set.

The Official Manager read an email from Councillor Judy Cole; please express my gratitude during public comment to Vic Statham for all of his hard work and dedication. There would hardly be a block in the South Ward that Vic has not helped in some way either via Council
representation or through helping put out fires. He has been a very dedicated Councillor and his strong advocating for his roads and crossings will be sorely missed by the residents.

Ms Peters & Mr Kairupau left the meeting at 7.30pm

8. ACCEPTING OR DECLINING LATE ITEMS

8.1 Council accepts the late item of 12.11 DELEGATIONS TO CEO. CARRIED

9. NOTICES OF MOTION JUNE

Nil

10. OFFICIAL MANAGERS REPORT

10.1 Council notes the Report. CARRIED

11. FINANCE REPORT

11.1 Council receives and notes the contents of the Financial Report for May 2015 Report Number 15/0006. CARRIED 15/0006/01

12. OFFICERS REPORTS

12.1 CHANGES TO MEETING AGENDA AND REPORTS

1. Council receives Report Number 15/0005. CARRIED 15/0005/01

2. Council approves the new Council Agenda and Officers Reports format and structure for use in the preparation of Council Meeting business papers as found used in the 18 June 2015 meeting agenda. CARRIED 15/0005/02

3. Council approves that the Chief Executive Officer be required to maintain an appropriate register of all Council Resolutions with those Resolutions requiring action which are outstanding to be reported to Council monthly. CARRIED 15/0005/03
4. Council approves that the Register of Council Decisions be available on Council’s website, with the exemption of those resolutions which remain in confidence under legislation.

CARRIED 15/0005/04

12.2 FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT


CARRIED 15/0001/01

2. Council acknowledges the importance of federal funding through Financial Assistance Grants program for the continued delivery of councils services and infrastructure.

CARRIED 15/0001/02

3. Council will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.

CARRIED 15/0001/03

12.3 ELECTED MEMBERS ALLOWANCES


CARRIED 15/0003/01

2. Council approves the following allowances to be paid to Ordinary Council Members for the 2015/16 financial year: $13,086.40 as annual Base Allowance to be paid fortnightly in arrears, $4,788.73 as annual Electoral Allowance to be paid fortnightly in arrears, and a maximum $3,635.50 as Professional Development Allowance to be paid upon approval by the Chief Executive Officer of a compliant Professional Development Activity, and an extra meeting allowance as per Council Policy.

CARRIED 15/0003/02

3. Council approves the following allowances to be paid to the Deputy Mayor for the 2015/16 financial year: $26,905.28 as annual Base Allowance to be paid fortnightly in arrears, $4,788.73 as annual Electoral Allowance to be paid fortnightly in arrears, and a maximum $3,635.50 as Professional Development Allowance to be paid upon approval by the Chief Executive Officer of a compliant Professional Development Activity.

CARRIED 15/0003/03

4. Council approves the following allowances to be paid to the Mayor for the 2015/16 financial year: $72,761.56 as annual Base Allowance to be paid fortnightly in arrears, $19,151.56 as annual Electoral Allowance to be paid fortnightly in arrears, and a maximum $3,635.50 as Professional Development Allowance to be paid upon approval by the Chief Executive Officer of a compliant Professional Development Activity.

CARRIED 15/0003/04
5. Council approves the following additional daily allowance to be paid to an Elected Member who is Acting Mayor for a period longer than 7 calendar days for the 2015/16 financial year to be $253.15, with the maximum claimable amount being $22,720.11.

CARRIED 15/0003/04

12.4 DRAFT MUNICIPAL PLAN 2015/2016

   CARRIED 15/0004/01

2. Council approves the release of the Draft Municipal Plan 2015/16 for public consultation and invites members of the public to make submissions regarding the Draft to Council, with the closing date of public submissions being 10 July 2015.
   CARRIED 15/0004/02

3. Council approves the release of draft Annual Budget 2015/16 as incorporated into the draft Municipal Plan 2015/16 for public consultation and invite members of the public to make submissions regarding the draft to Council, with the closing date of public submissions being 10 July 2015.
   CARRIED 15/0004/03

4. Council approves the use of the name “Developer Contribution Reserve” to replace “Infrastructure Development Levy Reserve”, and that wherever the terms “Infrastructure Development Levy” or “IDL” has been used in Council plans or communication, this be changed to “Developer Contribution”.
   CARRIED 15/0004/04

12.5 APPOINTMENT OF TRANSIT OFFICERS AS DELEGATES

   CARRIED 15/0002/01

2. Council authorises the appointment of Transit Officers as delegates pursuant to section 26(1) (a) of the Local Government Act to undertake functions under Section 7 and 8 of the Trespass Act on behalf of Council.
   CARRIED 15/0002/02

3. Council approves the signing of the attached letter to the Department of Transport authorising Transit Officers as delegates.
   CARRIED 15/0002/03

12.6 DRAFT FEES AND CHARGES 2015/2016

1. Item withdrawn.
12.7 MAY BUDGET REVIEW
1. Council receives Report Number 15/0011. CARRIED 15/0011/01
2. Council adopts the budget adjustments in the attached Table 1 of this report. CARRIED 15/0011/02

12.8 BLACKSPOT APPLICATION 2016/2017
1. Council receives Report Number 15/0008. CARRIED 15/0008/01
2. Council approves investigating and submitting applications for Federal Government Blackspot Funding, financial year 2016 2017, to extend Hicks Road 500m at the roundabout and provide Girraween School Access, and widen sections of Girraween Road between Edelsten Road and Power Road. CARRIED 15/0008/02

12.9 MINING TENEMENT WRITE OFF
1. Council receives Report Number 15/0013. CARRIED 15/0013/01
2. Council approves reversal of the Mining Tenement rate of $851.79 and $34.72 interest accrued on Assessment 10106607. CARRIED 15/0013/02

12.10 RECORDING OF MEETINGS
1. Council receives Report Number 15/0009. CARRIED 15/0009/01
2. Council approves the Recording of Meetings Policy. CARRIED 15/0009/02

12.11 DELEGATIONS TO CEO
1. Council receive report number 15/0016. CARRIED 15/0016/01
2. Council approves that pursuant to Section 32 of the Local Government Act, Council delegates to the Chief Executive Officer its powers and functions under the Local Government Act and any other Acts under which Council has powers, duties, authorities and functions, with the exception of the following.
   I. Those matters referred to in Section 32(3) of the Local Government Act
   II. Sections 22 and 24 regarding the adoption of the Municipal Plan including the Annual Budget

This is page 8 of 11 of the Minutes of the Ordinary Meeting held Thursday 18th JUNE 2015
III. Section 26(2) use of Common Seal requires decision of Council
IV. Section 46 appointment to fill casual vacancy on Council
V. Section 49 establishment of Local Boards
VI. Section 54 establishment of Council Committees
VII. Section 68 calling meetings for elections
VIII. Where Council has adopted a Council Policy, delegations are limited as set out in the Policy  

CARRIED 15/0016/02

3. Council approves that pursuant to Section 112 of the Local Government Act, Council appoints the Chief Executive Officer as an Authorised Person.  

CARRIED 15/0016/03

4. Council approves that pursuant to Section 32 of the Local Government Act, Council delegates to the Chief Executive Officer the power and authority to exercise all or any of the powers of Council under the Litchfield Council Rural Dog Management By-Laws.  

CARRIED 15/0016/04

5. Council approves that pursuant to Section 32 of the Local Government Act, Council limits the power of the Chief Executive Officer to incur financial liabilities on behalf of Council to $500,000 where provided for in the adopted budget, and that all expenditure outside of the adopted budget require a Council resolution.  

CARRIED 15/0016/05

6. Council revokes all previous delegations to the Chief Executive Officer.  

CARRIED 15/0016/06

7. Council approves that the Chief Executive Officer be instructed to prepare a Register of Sub Delegations, and that this be brought to Council to be formally tabled at the July meeting of Council.  

CARRIED 15/0016/07

13. OTHER BUSINESS
Nil

14. QUESTIONS FROM THE PUBLIC  JUNE

Ms Malgorzewicz commented on agenda item 12.10 Recording of meetings 5.5 recording of meetings by members of the general public, I would not appreciate being recorded without my knowledge and approval. Ms Malgorzewicz suggested that public consultation take place prior to adopting any policy which includes the public. The Acting CEO advised that recording by the public is not allowed and if found would be stopped.

Mr Salter queried the arrears of $900K in outstanding rates. The Acting CEO said that there is actually $1.1M in outstanding rates for the 2014/2015 financial year. Mr Salter asked what Council are doing about the 15% outstanding. The Official Manager asked when the rates were payable. The Accountant advised the first instalment was due in September and the second instalment was due in February. Mr Salter asked what Councils stance on a
ratepayer who owes rates selling their property. The Official Manager informed Mr Salter that all rates are due and payable upon the transfer of land.

Mr Hardwick stated that he was in agreement with recording of the public meeting.

Mr Kearney asked with the development in Litchfield municipality without mains water, is there an approach by Council to share water from one bore, which could be metered and monitored? The Official Manager advised that is not a Council responsibility, it is Power and Water Corporations responsibility.

Ms Osborn queried the Fees and Allowances for the Mayoral position to be reduced to part time. The Official Manager stated that under legislation there is no such thing as a full time or part time Mayor. It is a Council decision. Ms Osborn asked how much time is required, how many days per week do you work here? The Official Manager replied that he averages 3 days per week. It requires a debate from the elected members for what is fair and reasonable.

Mr Salter queried an expense of $20,350 to Earl James & Associates. The Official Manager advised that Council would respond at a later date.

Mr Hardwick queried the operational expenditure of 36% on staffing, page 18 of the Draft Municipal Plan 2015/2016. The Official Manager said employee costs should equate to the amount of services. An independent review of the organisation structure to provide the level of service as per the municipal plan is currently being undertaken which should be completed in the next four weeks. There may be some adjustments, at this stage the organisational structure is as per the 2014/2015 municipal plan.

Mr Koberstein queried whether the Ministers decision could be keep some of the elected members not all. The Official Manager answered that it would be all in or all out. Mr Koberstein asked if Mr Frank Crawley will be here until the Council or new Council comes back in. The Official Manager advised that an Official Manager whether it is myself or someone else will have to be in place until the Council are back in. The Official Manager advised that the recruitment process of a new CEO will be put in place but the Council are to make the decision. Mr Koberstein asked if an Official Manager would be in place until the next election. The Official Manager advised it would be an election or reinstatement.

Mr Koberstein informed Council that 12 years ago plans for a dump site within Litchfield were made, he asked if the Council were had an update on this. The Official Manager stated that within the Greater Darwin Land Use Plan there is a site set aside for a dump. TOPROC would like a regional waste management facility and emergency dump such as when cyclones occur.

Mr Kearney stated his view on the last six months the Council being in a shambles, under review, now it has turned around, good to see, the CEO is heading in the right direction, well done congratulations to the CEO and staff.
Ms Malgorzewicz will send questions in writing to Frank. Asked any mechanism to engage the community in the process e.g. Forum? Represent interest and aspirations. The Official Manager advised that there would be an advertisement in the NT News, Mayoral Matters column in Litchfield Sun, email subscription list and social media, The Official Manager advised he would discuss options with the Acting CEO regarding a public forum and advertising. The Acting CEO advised that there is not much change with last year’s plan, it represents the last elected bodies vision. The Official Manager benefit in advising the community on which roads are being sealed, reinforce Councils motto Community Effort Is Essential. Ms Malgorzewicz identified the waste transfer stations as gathering places for residents to discuss issues. Mr Salter suggested that the residents want to know about planning.

15. CONFIDENTIAL ITEMS

Nil

16. NEXT MEETING

SPECIAL THURSDAY 25TH JUNE 2015

17. CLOSE OF MEETING

The Meeting closed at 8.42pm

MINUTES CONFIRMED

23rd JULY 2015