



## COUNCIL MINUTES

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### LITCHFIELD COUNCIL MEETING

**Minutes of Meeting**  
**held in the Council Chambers, Litchfield**  
**on Wednesday 21 April 2021 at 6:00pm**

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<b>Present</b>	Maree Bredhauer Christine Simpson Kirsty Sayers-Hunt Mathew Salter	Mayor Deputy Mayor / Councillor Central Ward Councillor East Ward Councillor North Ward
<b>Staff</b>	Daniel Fletcher Leon Kruger Arun Dias Debbie Branson	Chief Executive Officer General Manager Infrastructure & Operations General Manager Business Excellence Executive Assistant
<b>Public</b>	As per Attendance Register	

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#### 1. OPENING OF THE MEETING

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

The Mayor advised that an audio recording of the meeting will be made for minute taking purposes as authorised by the Chief Executive Officer.

#### 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the traditional custodians of the land on which the Council meet on. 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.

## **ELECTRONIC ATTENDANCE**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council approve pursuant to GOV02 Meeting Procedures, 4.1.2 (b) that Councillors Salter is granted permission for Electronic Meeting Attendance at the Ordinary Council Meeting held Wednesday 21 April 2021.

**CARRIED (3-0)-2021/179**

## **3. APOLOGIES AND LEAVE OF ABSENCE**

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council notes and approves an apology from Cr Doug Barden.

**CARRIED (4-0)-2021/180**

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council notes and approves the application for Leave of Absence from Mayor Bredhauer from 27 April 2021 to 13 May 2021.

**CARRIED (4-0)-2021/181**

## **4. DISCLOSURES 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 and its policies regarding the same.

No disclosures of interest were declared.

## **5. CONFIRMATION OF MINUTES**

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-Hunt

THAT Council confirm the minutes of the:

1. Council Meeting held 17 March 2021, 9 pages; and
2. Confidential Meeting held 17 March 2021, 1 page.

**CARRIED (4-0)-2021/182**

## **6. BUSINESS ARISING FROM THE MINUTES**

Moved: Cr Sayers-Hunt

Seconded: Deputy Mayor Simpson

THAT Council receives and notes the Action List.

**CARRIED (4-0)-2021/183**

## **7. PRESENTATIONS**

Freds Pass Rural Show Committee – Community Event Opportunity

## **8. PETITIONS**

Nil.

## **9. PUBLIC QUESTIONS**

### **9.1 Andrew Mackay**

1. Regarding Item 14 Are the 'work team presentations' at council meetings good governance?

*Council's Response:*

*Yes. The work team presentations are for receiving and noting. They do not compromise good governance. No decisions from Council on operational matters are being asked for. Local Government across Australia (including Litchfield Council) is a diverse and complex business, delivering sometimes over 100+ services to the community. Councillors are responsible for setting policy and the strategic direction of the organisation. In order to do that well, Councillors should understand the operations of the business so that information can inform their policy and strategic decisions. There is no statutory requirement for this information to be provided in a meeting open to the public and Council could decide to have this information provided to them not in a public forum. However, because Council values both the operational updates and transparency, this approach is favoured to an alternative.*

2. Is there not meant to be a separation through the CEO from councillors and council staff?

*Council's Response:*

*Yes. As noted above, these presentations do not compromise good governance or the separation between the 'political' and 'administrative 'arm' of Council.*

3. Is council aware of any other councils that have these presentations?

*Yes, many Councils across Australia provide similar operational updates in their own format.*

4. Under the proposed casual vacancy changes (15.02.05, page 138/139), in the event the Mayor resigned with less than 18 month and we are left with a 4 member council. And that council split on their preferred candidate 2-2 without a compromise being possible, would anyone have access to the casting vote (under the current policies)?

*Council's Response:*

*In accordance with EM04 Casting Vote Policy, pursuant to Section 61(6) of the Local Government Act, the Chair of a Council Meeting must exercise a casting vote in the event of an equality of votes. Pursuant to Section 61(7) of the Local Government Act, this policy cannot be altered or revoked for the term of the present Council. The new Council has a legislative obligation to adopt a casting vote policy at their first meeting which will remain in place for the term of the Council which is consistent with the Local Government Act requirements.*

5. Under the proposed casual vacancy changes (15.02.05, page 138/139), If enough council members resigned with less than 18 months left of their term, such that a quorum was unable to be reached in any subsequent meeting - what would happen?

*Council's Response:*

*While an unlikely but possible scenario (that four (4) elected members resign) and because the policy is silent on this situation, it would be appropriate in this rather unusual circumstance to seek guidance from the Northern Territory Chief Ministers Office (Local Government Department) and confirm if appointed Council members are required to hold office or if an extraordinary election would be called or if the quorum could be amended for the remainder of the term.*

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

Nil.

## **11. NOTICES OF MOTION**

### **11.1 Humpty Doo Village Green Volunteer Committee Members - Recognition**

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council:

1. gratefully acknowledges the following committee members of the Humpty Doo Village Green for their years of dedicated voluntary service to the reserve and the community:
  - John Rogers – Chairman
  - Mary Walshe – Secretary/Treasurer/Public Officer
  - Mark Casburn – Committee Member
  - Marlene Zammit – Committee Member
  - Jan Canniford - Committee Member
  - Diane Spicer - Committee Member
2. write to each member acknowledging their service to the Humpty Doo Village Green and the Community.

**CARRIED (4-0)-2021/184**

## **12. MAYORS REPORT**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council receive and note the Mayor's monthly report.

**CARRIED (4-0)-2021/185**

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

Councillors appointed by Council to external committees provided an update where relevant.

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council note the Councillors' verbal report.

**CARRIED (4-0)-2021/186**

## **14. WORK TEAM PRESENTATION**

### **14.01 Thorak Cemetery**

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT the Work Team Presentation – Thorak Cemetery be received and noted.

**CARRIED (4-0)-2021/187**

## **15. OFFICERS REPORTS**

### **15.01.01 Municipal Plan 2020-21 Quarterly Performance Report January – March 2021**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council receives the Municipal Plan 2020-21 Quarterly Performance Report for the third quarter ending 31 March 2021.

**CARRIED (4-0)-2021/188**

### **15.01.02 Healthy Lifestyle Grants**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council:

1. receive and notes this report titled Healthy Lifestyle Grants; and
2. approve the grant agreement for the Healthy Lifestyles Grant as shown in Attachment A to this report; and
3. authorise the application of the common seal to the variation to the Short Form Grant Agreement as shown in Attachment A to this report.

**CARRIED (4-0)-2021/189**

### **15.01.03 Community Event Opportunity**

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-Hunt

THAT Council:

1. agree to partner with the Freds Pass Rural show Committee to deliver the proposed community event;
2. approve the redirection of the \$40,000 committed sponsorship funds from the Freds Pass Rural Show to the proposed community event; and
3. support the Freds Pass Show Committee's proposal to deliver the community event on the weekend of 17 July 2021, subject to:
  - a) a suitable lease agreement is negotiated with Freds Pass Recreation Reserve Management Board; and
  - b) any further requests for date changes are to be endorsed by Council.

**A division was called**

**Those voting in the affirmative: Mayor Bredhauer, Cr Sayers-Hunt and Cr Simpson**

**Those voting in the negative: Cr Salter**

**CARRIED (3-1)-2021/190**

### **15.02.01 Litchfield Council Finance Report – March 2021**

Moved: Cr Sayers-Hunt

Seconded: Deputy Mayor Simpson

THAT Council note the Litchfield Council Finance Report for the period ended 31 March 2021.

**CARRIED (4-0)-2021/191**

### **15.02.02 People, Performance and Governance Monthly Report – March 2021**

Moved: Cr Sayers-Hunt

Seconded: Deputy Mayor Simpson

THAT Council note the People and Performance Monthly Report for March 2021.

**CARRIED (4-0)-2021/192**

### **15.02.03 SCALE Funding Certification**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council receive and note the Certification of the Special Community Assistance and Local Employment funding.

**CARRIED (4-0)-2021/193**

### **15.02.04 Draft Municipal Plan 2021-22**

Moved: Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council:

1. endorse the Draft Municipal Plan 2021-22 as provided in Attachment A for the purposes of public exhibition and consultation;
2. advertise the Draft Municipal Plan 2021-22 as being available for public consideration, and invite public submissions during a period of 21 days from 26 April 2021 to 16 May 2021; and
3. authorise the Chief Executive Officer to:
  - a. make minor editorial changes to the documents, as necessary
  - b. include the agreed new initiatives program into the Municipal Plan.

**A division was called**

**Those voting in the affirmative: Mayor Bredhauer, Cr Sayers-Hunt and Cr Simpson**

**Those voting in the negative: Cr Salter**

**CARRIED (3-1)-2021/194**

### **15.02.05 Policy Governance – New and Updated Policies**

Moved: Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council:

1. adopt new Draft GOV14 Filling Casual Vacancies Policy at Attachment A, subject to any minor editorial adjustments to take effect on 1 July 2021;
2. adopt new Draft HR14 Human Resources Management Policy as at Attachment B to take effect on 1 July 2021;
3. adopt new Draft GOV18 Confidential Items Policy as at Attachment C to take effect on 1 July 2021; and
4. adopt Draft FIN03 Procurement Policy as at Attachment D to take effect on 1 July 2021. Noting that the existing FIN03 Procurement Policy will remain valid to 30 June 2021.

**CARRIED (4-0)-2021/195**



#### **15.03.01 April 2021 Summary Planning and Development Report**

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-Hunt

THAT Council:

1. receive the April 2021 Summary Planning and Development Report; and
2. note for information the responses provided to relevant agencies within Attachments A-E to this report.

**CARRIED (4-0)-2021/196**

#### **16. OTHER BUSINESS**

Nil.

#### **17. CONFIDENTIAL ITEMS**

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-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 Items:

##### **17.01 RFT21-244 – Reseal Various Roads – Phase 2**

*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.*

##### **17.02 Litchfield Women in Business Network Committee**

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

##### **17.03 Overriding Statutory Charge – Unpaid Rates**

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

##### **17.04 Development Consent Authority Nominations Reviews**

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

**CARRIED (4-0)-2021/197**

The meeting was closed to the public at 7:37pm.

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-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 (4-0)-2021/198**

The meeting moved to Open Session at 8:05pm.

#### **17.01 RFT21-244 Reseal Various Roads – Phase 2**

Moved: Deputy Mayor Simpson

Seconded: Cr Sayers-Hunt

THAT Council:

1. receive and notes the Tender Evaluation Report for RFT21-244;
2. notes that the report contains commercial in-confidence information; and
3. award individual contracts for RFT21-244 Reseal Various Roads – Phase 2 in accordance with preferred respective submitted Tenders:  
Bundle 1 to Fulton Hogan for an estimated sum of \$344,315.35 excl GST  
Bundle 2 to Downer Edi for an estimated sum of \$294,267.06 excl GST  
Bundle 3 to Fulton Hogan for an estimated sum of \$248,689.56 excl GST  
Bundle 4 to F&J Bitumen Services Pty Ltd for an estimated sum of \$383,577.91 excl GST.

**CARRIED (4-0)-2021/199**

#### **17.02 Litchfield Women in Business Network Committee**

Moved: Cr Sayers-Hunt

Seconded: Deputy Mayor Simpson

THAT Council acknowledges the nine expression of interests and appoint the following community members:

- Beckie Kernich
- Nicky Clark
- Tanya Izod
- Cecilia Coleman
- Elaine Mills
- Lauren Johnson
- Rana Everett
- Ute Coyne-Pollig

**CARRIED (4-0)-2021/200**

**17.03      Overriding Statutory Charge – Unpaid Rates**

Moved:    Deputy Mayor Simpson  
Seconded: Cr Sayers-Hunt

THAT Council approves the fixation of the Common Seal with the Mayor and the Chief Executive Officer signing all documents relevant to applying the overriding statutory charge over the properties listed in Attachment A.

**CARRIED (4-0)-2021/201**

**17.04      Development Consent Authority Nominations Revised**

Moved:    Cr Sayers-Hunt  
Seconded: Deputy Mayor Simpson

THAT Council nominates the following persons to the Litchfield division of the Development Consent Authority:

- Preferred Nomination: Deanne Hunt
- Second Nomination: Judith Davison

**CARRIED (4-0)-2021/202**

**18.    CLOSE OF MEETING**

The Chair closed the meeting at 8:08pm.

**19.    NEXT MEETING**

Wednesday 19 May 2021.

**MINUTES TO BE CONFIRMED**

Wednesday 19 May 2021

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Mayor  
Maree Bredhauer

.....  
Chief Executive Officer  
Daniel Fletcher