



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

**Minutes of Ordinary Meeting
held in the Council Chambers, Litchfield
on Tuesday 19 April 2022 at 6:00pm**

Present	Doug Barden Mathew Salter Rachael Wright Andrew Mackay Kevin Harlan Emma Sharp Mark Sidey	Mayor Deputy Mayor / Councillor North Ward Councillor North Ward Councillor Central Ward Councillor Central Ward Councillor South Ward (Electronic attendance) Councillor South Ward
Staff	Arun Dias Leon Kruger Nicky McMaster Debbie Branson Jessica Eves	Interim Chief Executive Officer General Manager Infrastructure & Operations General Manager Communications & Lifestyle Executive Assistant Executive Assistant (in training)
Public	As per Attendance Register	

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the Larrakia Nation as 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.

2. OPENING OF THE MEETING

The Mayor opened the meeting and 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 Wright
Seconded: Deputy Mayor Salter

THAT Council approve Cr Sharp to attend the meeting electronically.

CARRIED (7-0) ORD2022 11-074

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 and its policies regarding the same.

4.1 Elected Members

No disclosures of interest were declared.

4.2 Staff

No disclosures of interest were declared.

5. CONFIRMATION OF MINUTES

5.1 Confirmation of Minutes

Moved: Cr Harlan

Seconded: Cr Sidey

THAT Council confirm the:

- Confidential Special Council Meeting held 14 March 2022, 3 pages;
- Ordinary Council Meeting held 15 March 2022, 11 pages;
- Confidential Ordinary Council Meeting held 15 March 2022, 2 pages;
- Special Council Meeting held 29 March 2022, 4 pages; and
- Confidential Special Council Meeting held 29 March 2022, 2 pages.

CARRIED (7-0) ORD2022 11-075

5.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Cr Wright

Seconded: Cr Mackay

THAT Council receive and note the Action List.

CARRIED (7-0) ORD2022 11-076

6. PETITIONS

Nil.

7. DEPUTATIONS AND PRESENTATIONS

Nil.

8. PUBLIC QUESTIONS

8.1 Phil Driscoll – Notice of Motion

Mr Driscoll referred to the Notion of Motion on 18 January 2022 and the costs relating to changing Girraween Road speed limit. Mr Driscoll also provided his comments on the feedback from the constituents.

8.2 Susan Kilgour - LRCI Phase 2

As constituents, we have questions and request further information about the resolve to submit a variation to the commonwealth in regard to LRCI Phase 2 to replace the new community room project with a project to reseal Council roads.

We are curious to know whether the community will or will not get their proposed and funded community building?

Response:

The subject of the community building, its proposed relocation and its proposed funding allocation through the LRCI Phase 3 program, will be deliberated at this Ordinary Council Meeting under item number 14.03.05.

8.3 Brad George - Truck Parking on Strangways Road

Please see the attached request for a response from David Jan and Arun Dias on the matter of how the truck parking at the corner of Strangways and Spencely on land zoned Community Purpose is permitted under the current zoning and how the ratepayers of LC are protected from liabilities under the Environmental Protection Act 2011 caused by unregulated and unmonitored contaminants including hydrocarbons entering the soil and drainage to the adjacent land on Hayball zoned Conservation. Further, as the PCBU how does LC protect people under the Work Health and Safety (National Uniform Legislation) Act 2011 from the unregulated and unmonitored activities, work, access, and egress that occur on the site? How does LC protect itself from action under the Competition and Consumer Act 2010 for participating in Anti-competitive practices by supplying free land and workspace to companies that would otherwise have to lease space in the adjacent Light Industrial Area? How does the LC recoup the cost to ratepayers of the significant damage to the Strangways road surface adjacent to the truck parking area? Overall, where is the public benefit to the ratepayers of LC from the unwritten agreement by LC with trucking companies to use the space?

Response:

The following response was emailed on 14 April 2022.

“The area in question I believe is 225 Strangways Road Humpty Doo and is part of Councils Humpty Doo Waste Transfer Station. This portion of land is zoned “CP _ Community Purposes” and is subject to an Environmental Protection License. Council provides annual reports to the Environmental Protection Authority and is managing the site as per the license requirements.

The portion of land around the site, bounded by Strangways and Hayball, is Crown land that is zoned MZ – Multiple Use and includes CN – Conservation, LI - Light Industrial and a small amount of CP – Community Purpose (see attached zoning map created from the NT Atlas https://www.ntlis.nt.gov.au/imfPublic/imf.jsp?site=nt_atlas). The whole site was previously the Humpty Doo Landfill site, as can be seen in the attached jpg, which was established prior to the formation of Council.

The area in question is currently unfenced and open to anyone to utilise. Council considers that it is meeting its obligations under all relevant Acts.

Council manages 625km of sealed roads which include roads in industrial and light industrial areas that cater for trucks. All Council roads are managed through Councils annual budget and long term financial plan, funded via rates and government grants.”

8.4 Howard River Park Community Association - Proposed Telstra Tower – Bronzewing Avenue

1. Will Council contact Telstra (or Service Stream) and advise them that their comment that 220 Gunn Point Road was deemed not suitable by Council because it is zoned RL is not a correct statement as **it is not required for urban development as per the Holtze Land Use Plan 2022**. See letter attached from Gerard Maley to Telstra regarding moving the proposed tower site to 220 Gunn Point Road.

Response:

Following is an extract of Council's letter to the Development Assessment Services (DAS) regarding 220 Gunn Point Road.

"iii. 220 Gunn Point Road – a 50m tall lattice tower was considered at this location, close to the northern boundary and Gunn Point Road frontage. The Applicant ruled this location as unsuitable, it is Zoned Rural Residential and it was deemed that the proposed use would not be permissible. "

*It is therefore incorrect to state that Council advised DAS that Council deemed 220 Gunn Point Road as not suitable. Council merely stated the fact that the **applicant** deemed the site as unsuitable. Procedurally this is an application by the developer (Telstra) to DAS and there is therefore no reason for Council to contact Telstra regarding this matter.*

2. Will Council write to DAS and advise them that Mark Hogans letter to DAS 11/2/22 where he states that some residents have to suffer the visual eyesore for the greater good of the Litchfield Community and a 41 metre tower is not considered *unreasonable* does not reflect Council views. The letter from Mark Hogan to DAS is attached for your reference. Please mention that Council would like it noted by DAS that this letter should not be considered in any comments by DCA or DAS as Council has reconsidered this proposal and does not consider 390 Bronzewing a suitable site.

Response:

The factual wording in the letter dated 11 February 2022 to DAS is as follows.

b) Whilst the site in question will provide some visual amenity impacts to adjacent properties, notably to the south of the site at no.'s 30 and 26 Wagtail Court to which the monopole will be most visible, it is not considered unreasonable.

- I. On balance, the visual amenity impacts to these neighbours does not outweigh the service amenity impacts for the broader Litchfield community. Telecommunications in the area do not meet expectations and needs.*
- II. Council must be guided by policy; Council's Strategic Plan 2018-2022 includes a commitment to "advocate for new and upgraded mobile base stations to ensure all Litchfield residents and businesses have access to efficient telecommunications.*
- III. The monopole and associated facility sits within a 12mx10m fenced compound that is well in excess of 20m from the nearest property boundary at lot 4145 (30 Wagtail Court)."*

There is no Council resolution that authorises administration to write a letter to the DCA or DAS to state Council's position as mentioned in the question above.

3. Will Council rescind the in-principle lease with Telstra due to Telstra not abiding by the conditions of the lease. The lease states Telstra was to consult with the affected properties and they have not done this on any occasion to date. Also will you advise Telstra the proposed site 390 Bronzewing is not a suitable zoning under Council zoning policy as 390 Bronzewing is a drainage reserve and no impervious surface is to be placed in the reserve, meaning that the 3 metre wide gravel access road proposed by Telstra is not allowed.

Response

At the Ordinary Council Meeting dated 15 March 2022 Council resolved to assist Telstra in finding an alternative site and request the interim Chief Executive Officer to investigate the option of terminating the lease with Telstra. This investigation is still in progress. The issue about the access road to the site has been addressed in the Letter of Response to Petitioners dated 4 March 2022.

9. ACCEPTING OR DECLINING LATE ITEMS

Nil.

10. NOTICES OF MOTION

Nil.

11. MAYORS REPORT

Moved: Deputy Mayor Salter

Seconded: Cr Harlan

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

CARRIED (7-0) ORD2022 11-077

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

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

Moved: Cr Wright

Seconded: Cr Sidey

THAT Council note the verbal update provided by the representative of the:

1. Litchfield Women in Business Network Committee Meeting held 28 March 2022;
2. Howard Park Reserve Committee Meeting held 4 April 2022;
3. Knuckey Lagoon Reserve Committee Meeting held 7 April 2022;
4. Local Government Association of the NT Meeting held 6 and 7 April 2022.

CARRIED (7-0) ORD2022 11-078

13. WORK TEAM PRESENTATION

Hayley Arkinstall, Library Services attended and presented to the meeting at 6:30pm.

13.01 Library Services

Moved: Cr Mackay

Seconded: Cr Harlan

THAT Council receive and note the Work Team Community Services Presentation.

CARRIED (7-0) ORD2022 11-079

Hayley Arkinstall, Manager Library Services left the meeting at 6:37pm.

14. OFFICERS' REPORTS

14.01 Business Excellence

Maxie Smith, Manager Corporate Services attended and presented to the meeting at 6:37pm.

14.01.01 Litchfield Council Finance Report – March 2022

Moved: Cr Mackay

Seconded: Cr Sidey

THAT Council note the Litchfield Council Finance Report for the period ended 31 March 2022.

CARRIED (7-0) ORD2022 11-080

14.01.02 Budget Review 2 2021-2022

Moved: Deputy Mayor Salter
Seconded: Cr Harlan

THAT Council:

1. receive and note the report entitled Budget Review 2 - 2021/2022;
2. adopt Budget Review 2 – 2021/2022, pursuant to Section 203 of the Local Government Act 2019 amending Total Operational Income to \$17,860,904, and Total operational expenditure to \$16,064,299, and Total Capital Expenditure to \$8,950,347; and
3. adopt the Financial Reserve movement of \$3,170,089 for 2021/2022 consisting of:
 - Developer Contributions Reserve reduction of \$27,443;
 - Waste Management Reserve reduction of \$512,706;
 - Unexpended Capital Works reduction of \$641,694;
 - Asset Reserve reduction of \$2,259,895;
 - Thorak Regional Cemetery increase of \$271,649;
 - Disaster Recovery Reserve increase of \$100,000; and
 - Strategic Initiatives Reserve reduction of \$100,000.

CARRIED (7-0) ORD2022 11-081

Maxie Smith, Manager Corporate Services left the meeting at 7:05pm.

Danny Milincic, Manager People and Performance attended and presented to the meeting at 7:05pm.

14.01.03 People, Performance and Governance Monthly Report – March 2022

Moved: Cr Wright
Seconded: Cr Harlan

THAT Council note the People, Performance and Government monthly report for March 2022.

Cr MacKay left the meeting at 7:09pm and returned at 7:10pm.

CARRIED (7-0) ORD2022 11-082

Danny Milincic, Manager People and Performance left the meeting at 7:11pm.

14.01.04 Risk Management Audit Committee Minutes – 23 February 2022

Moved: Cr Mackay
Seconded: Deputy Mayor Salter

THAT Council receive and note the Risk Management Audit Committee unconfirmed minutes from 23 February 2022 meeting, as at Attachment A.

CARRIED (7-0) ORD2022 11-083

Danny Milincic, Manager People and Performance attended and presented to the meeting at 7:13pm.

14.01.05 EM06 Conflict of Interest

Moved: Cr Harlan
Seconded: Cr Mackay

THAT the matter lay on the table to allow further review of the recent changes in the legislation as of Friday, 15 April 2022.

Cr Sidey left the meeting at 7:15pm and returned at 7:16pm.

CARRIED (7-0) ORD2022 11-084

Danny Milincic, Manager People and Performance left the meeting at 7:18pm.

14.02 Council Leadership & Community Services

14.02.01 Municipal Plan 2021-2022 Quarterly Performance Review January - March 2022

Moved: Cr Harlan
Seconded: Cr Sidey

THAT Council receive the Municipal Plan 2021-22 Quarterly Performance Report for the third quarter ending 31 March 2022.

CARRIED (7-0) ORD2022 11-085

14.02.02 Appointment of Deputy Mayor

Moved: Mayor Barden
Seconded: Cr Wright

THAT Council appoint Councillor Sharp as Deputy Mayor for an 8-month period ending at the first ordinary council meeting held in December 2022.

CARRIED (7-0) ORD2022 11-086

14.02.03 National General Assembly of Local Government 2022

Moved: Deputy Mayor Salter
Seconded: Cr Harlan

THAT Council:

1. lift item National General Assembly of Local Government 2022 from the table;
2. note the upcoming 2022 National General Assembly of Local Government in Canberra from 19-22 June 2022;
3. approve the Mayor attending the National General Assembly of Local Government in Canberra; and
4. further support other elected members attending and utilising their available professional development allowance.

CARRIED (7-0) ORD2022 11-087

14.02.04 Draft Municipal Plan 2022-2023

Moved: Mayor Barden
Seconded: Deputy Mayor Salter

THAT Council:

1. endorse the Draft Municipal Plan 2022-2023 as provided in Attachment A for the purposes of public exhibition and consultation;
2. advertise the Draft Municipal Plan 2022-2023 as being available for public consideration and invite public submissions during a period of 21 days from 25 April 2022 to 15 May 2022; and
3. authorise the Chief Executive Officer to make minor editorial changes to the documents, as necessary, which will include:
 - * inclusion of Mango Roads phase 2 as a priority project in the strategic advocacy focus
 - * inclusion of a statement from each Councillor in Your Council and;
 - * include the full time employee numbers in the organisation chart.

CARRIED (7-0) ORD2022 11-088

ORDER OF BUSINESS

Moved: Cr Harlan
Seconded: Cr Sharp

THAT Council move item 14.02.06, Litchfield Women in Business Proposal for Incorporation, forward for consideration.

CARRIED (7-0) ORD2022 11-089

14.02.06 Litchfield Women in Business Proposal for Incorporation

Moved: Mayor Barden
Seconded: Cr Sidey

THAT Council:

1. support expenditure of the remaining 2021/22 Litchfield Women in Business adopted budget on steps to achieve incorporation; and
2. agree to meet the direct costs of incorporation by payment of invoices up to the remaining budget for 2021/22.

CARRIED (6-1) ORD2022 11-090

14.02.05 Litchfield Women in Business Network Committee Minutes

Moved: Deputy Mayor Salter
Seconded: Cr Wright

THAT Council:

1. receive and note the unconfirmed Litchfield Women in Business Network Meeting Minutes of 28 March 2022, at Attachment A;
2. dissolve the Litchfield Women in Business Network Committee; and
3. evoke the Terms of Reference for the Litchfield Women in Business Network Committee.

CARRIED (7-0) ORD2022 11-091

14.02.07 Howard Park and Knuckey Lagoon Recreation Reserves Committee Minutes

Moved: Deputy Mayor Salter
Seconded: Cr Harlan

THAT Council receive and note:

1. the unconfirmed Howard Park Committee Minutes of 4 April 2022, at Attachment A; and
2. the unconfirmed Knuckey Lagoon Committee Minutes of 7 April 2022, at Attachment B.

CARRIED (7-0) ORD2022 11-092

14.03 Infrastructure and Operations

14.03.01 Summary Planning and Development Report March 2022

Moved: Cr Wright
Seconded: Cr Mackay

THAT Council:

1. receive the Summary Planning and Development Report March 2022; and
2. note for information the responses provided to relevant agencies within Attachments A-C to this report.

CARRIED (7-0) ORD2022 11-093

14.03.02 Road Opening William Road, Berry Springs

Moved: Cr Sidey
Seconded: Cr Sharp

THAT Council:

1. proceed with the road opening process for William Road, across Lot 2790, Hundred of Cavenagh from the existing William Road to Lot 1603, Hundred of Ayers; and
2. authorise all appropriate documents to be signed and common seal affixed by the Mayor and Chief Executive Officer for the opening of the road, as required.

CARRIED (7-0) ORD2022 11-094

14.03.03 Girraween Road Speed Limit Review

Moved: Mayor Barden
Seconded: Cr Mackay

THAT Council:

1. receive and note the report;
2. acknowledge and thank the community for their responses, noting 86.01% were in support of returning the speed limit to 80km/hr;
3. acknowledge and thank the stakeholders for their responses, noting that they were not in support of returning the speed limit to 80km/hr;
4. maintain the existing 70km zone from approximately 300m from the Coolalinga roundabout to the Azure Court intersection; and
5. authorise the Chief Executive Officer to investigate funding opportunities through grants, including Black Spot Funding to undertake works to increase the speed limit to 80km/hr.

Cr Harlan left the meeting at 7:54pm and returned at 7:56pm.

A Division was called

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

**Those voting against the motion were Deputy Mayor, Cr Harlan and Cr Sidey
CARRIED (4-3) ORD2022 11-095**

14.03.04 Coolalinga Road Safety Upgrade

Moved: Cr Mackay
Seconded: Mayor Barden

THAT Council do not support a Council contribution of \$783,070.00 for incorporating higher level services to the Coolalinga Road Safety Upgrade project undertaken by the Department of Infrastructure, Planning and Logistics.

CARRIED (5-2) ORD2022 11-096

14.03.05 Proposed Community Building Relocation and LRCI Phase3 Projects Selection

Moved: Cr Sidey
Seconded: Cr Mackay

THAT Council approve the following projects for submission of the grant application under LRCI Phase 3;

- Roads - renewal
- Mira Square playground
- Humpty Doo Village Green irrigation
- Howard Park Recreation Reserve pathway
- Knuckey Lagoon Storage Shed power installation
- Livingstone Recreation Reserve car park
- McMinns Lagoon Recreation Reserve solar lighting
- Wi-Fi and CCTV at the reserves and cemetery.

Cr Mackay left the meeting at 8:26pm and returned at 8:28pm.

CARRIED (7-0) ORD2022 11-097

Moved: Cr Sidey
Seconded: Cr Harlan

THAT Council allocate any remaining funds from the LRCI Phase 3 to road projects.

A Division was called

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

**Those voting against the motion were Deputy Mayor Salter, Cr Wright and
Cr Sharp**

CARRIED (4-3) ORD2022 11-098

15. OTHER BUSINESS

15.1 Proposed Telstra Tower – Lease

15.2 Advertising Tenders – Council’s Website

16. CONFIDENTIAL ITEMS

Moved: Cr Sharp
Seconded: Cr Wright

THAT pursuant to Section 93(2) 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:

16.01 Award Contract – RFT21-285 Maintenance of Pavement, Repairs and New Works

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.

CARRIED (7-0) ORD2021 11-099

The meeting was closed to the public at 9:02pm.

Moved: Cr Mackay
Seconded: Deputy Mayor Salter

THAT pursuant to Section 93(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 (7-0) ORD2021 11-101

The meeting moved to Open Session at 9:22pm.

17. CLOSE OF MEETING

The Chair closed the meeting at 9:22pm.

18. NEXT MEETING

Tuesday 17 May 2022.

MINUTES TO BE CONFIRMED

Tuesday 17 May 2022.



.....
Mayor
Doug Barden



.....
Interim Chief Executive Officer
Arun Dias