



## COUNCIL MINUTES

### LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting  
held in the Council Chambers, Litchfield  
Tuesday 18 October 2022 at 6:00pm

<b>Present</b>	Doug Barden Emma Sharp Rachael Wright Mathew Salter Andrew Mackay Kevin Harlan Mark Sidey	Mayor Deputy Mayor / Councillor South Ward Councillor North Ward Councillor North Ward Councillor Central Ward Councillor Central Ward Councillor South Ward
<b>Staff</b>	Stephen Hoyne Maxie Smith Nicky Davidge Alana Rosse	Chief Executive Officer General Manager Business Excellence General Manager Community & Lifestyle Executive Assistant
<b>Presenters</b>	Simon Flowers  Bethany Thornton  Jane Munday	Project Director Department Infrastructure, Planning and Logistics A/Senior Communications and Engagement Officer Department Infrastructure, Planning and Logistics True North Strategic Communication
<b>Public</b>	As per Attendance Register	
<b>Streamed Online via YouTube:</b> <a href="https://www.youtube.com/watch?v=3qTdvAiDwSI&amp;t=6434s">https://www.youtube.com/watch?v=3qTdvAiDwSI&amp;t=6434s</a>		

#### 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

On behalf of Council, the Mayor acknowledged the Traditional Custodians of the land on which we 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**

Nil.

#### **3.2 Apologies**

Mayor Barden advised that Cr Sidey will be late to the meeting due to work commitments.

#### **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**

As per Section 115 of the Local Government Act 2019, Mayor Barden disclosed an interest in items:

- 14.02.06 Breach of Code of Conduct – Summary of Findings; and
- 16.02.02 Breach of Code of Conduct – Draft Summary of Findings.

As per Section 115 of the Local Government Act 2019, Councillor Wright disclosed an interest in items:

- 16.02.02 Breach of Code of Conduct – Draft Summary of Findings.

#### **4.2 Staff**

No disclosures of interest declared.



## **5. CONFIRMATION OF MINUTES**

### **5.1 Confirmation of Minutes**

Moved: Cr Wright

Seconded: Cr Mackay

THAT Council confirm the Ordinary Council Meeting minutes held 18 September 2022 as a true and accurate record of those meetings.

**CARRIED (5-1) ORD2022 11-225**

*Cr Sidey entered the meeting at 6:05pm*

### **5.2 Council Action Sheet / Business Arising from Previous Meetings**

Moved: Deputy Mayor Sharp

Seconded: Cr Harlan

THAT Council receive and note Item 5.2 within the Council agenda, Council Action Sheet / Business Arising from Previous Meetings.

**CARRIED (7-0) ORD2022 11-226**

## **6. PETITIONS**

Nil.

## **7. DEPUTATIONS AND PRESENTATIONS**

Representatives from the Department of Infrastructure, Planning and Logistics attended the meeting and presented to Council on the Middle Arm Sustainable Development Precinct.

*Presentation commenced at 6:08pm*

*Presentation concluded at 6:45pm*

## **8. PUBLIC QUESTIONS**

Nil.

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

Nil.

## **10. NOTICES OF MOTION**

Nil.



## **11. MAYORS REPORT**

Moved: Cr Harlan  
Seconded: Cr Salter

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 16 September to 12 October 2022 with the amendment.

**CARRIED (7-0) ORD2022 11-227**

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

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

Moved: Deputy Mayor Sharp  
Seconded: Cr Sidey

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

1. Local Government Association of the NT Executive Meeting held 26 September 2022;
2. Community Grants Committee Meeting held on 5 October 2022;
3. Howard Park Reserve Committee Meeting held 3 October 2022; and
4. Knuckey Lagoon Reserve Committee Meeting held 6 October.

**CARRIED (7-0) ORD2022 11-228**

## **13. WORK TEAM PRESENTATION**

Nil.

## **14. OFFICERS' REPORTS**

### **14.01 Business Excellence**

#### **14.01.01 Litchfield Council Finance Report – September 2022**

Moved: Cr Harlan  
Seconded: Cr Wright

THAT Council note the Litchfield Council Finance Report for the period ended 30 September 2022.

**CARRIED (7-0) ORD2022 11-229**

#### **14.01.02 People Performance and Governance Monthly Report September 2022**

Moved: Deputy Mayor Sharp  
Seconded: Cr Wright

THAT Council note the People, Performance and Governance Report for September 2022.

**CARRIED (7-0) ORD2022 11-230**

**14.02 Council Leadership & Community Services**

**14.02.01 2022 – 2023 Municipal Plan Quarterly Report**

Moved: Cr Harlan

Seconded: Cr Sidey

THAT Council receive the Municipal Plan 2022-23 Quarterly Performance Report for the first quarter ending 30 September 2022.

**CARRIED (7-0) ORD2022 11-231**

**14.02.02 NT Department of Local Government Review**

Moved: Cr Salter

Seconded: Cr Harlan

THAT Council receive and note correspondence from the Department of Chief Minister and Cabinet dated 12 September 2022, as at Attachment A being the Letter of Notification – Compliance Review.

**CARRIED (7-0) ORD2022 11-232**

**14.02.03 Palmerston and Litchfield Seniors Association Incorporated**

Moved: Cr Mackay

Seconded: Cr Harlan

THAT Council thank the Palmerston and Litchfield Seniors Association for their correspondence and we congratulate them on the great work they do. Council will consider the proposed funding agreement during the budget workshops for the 23/24 municipal plan.

**CARRIED (7-0) ORD2022 11-233**

**14.02.04 Howard Park and Knuckey Lagoon Recreation Reserve Committee Meeting Minutes**

Moved: Cr Sidey

Seconded: Cr Wright

THAT Council receive and note:

1. the unconfirmed Howard Park Committee Minutes of 3 October 2022, at Attachment A; and
2. the unconfirmed Knuckey Lagoon Committee Minutes of 6 October 2022, at Attachment B.

**CARRIED (7-0) ORD2022 11-234**

*Deputy Mayor Sharp left the meeting at 7:25pm*

*Deputy Mayor Sharp returned to the meeting at 7:26pm*

#### **14.02.05 Draft Reconciliation Action Plan**

Moved: Cr Mackay  
Seconded: Cr Salter

THAT Council:

1. recognise the actions that have been identified in the draft Reconciliation Action Plan and acknowledge the actions that have already taken place; and
2. agree to the guiding principles of Reconciliation Australia that are addressed in the draft Reconciliation Action Plan.

**CARRIED (7-0) ORD2022 11-235**

#### **PROCEDURAL MOTION**

Moved: Cr Mackay  
Seconded: Cr Harlan

Pursuant to section 95 of the *Local Government Act 2019* Council appoint Deputy Mayor Sharp to chair the meeting in the absence of Mayor Barden.

**CARRIED (7-0) ORD2022 11-236**

*Mayor Barden left the meeting to sit in the public gallery at 7:32pm.*

#### **14.02.06 Breach of Code of Conduct – Mayor/O’Driscoll**

Moved: Cr Sidey  
Seconded: Cr Harlan

THAT Council:

1. receive and note the Summary of Decision relating to the Code of Conduct complaint against Mayor Barden; and
2. finalise the matter of a Code of Conduct complaint received by the Chief Executive Officer (CEO) on 5 May 2022 regarding an alleged Breach of Council Code of Conduct.

*Mayor Barden did not vote on this item due to a conflict.*

**CARRIED (6-0) ORD2022 11-237**

#### **PROCEDURAL MOTION**

Moved: Cr Mackay  
Seconded: Cr Wright

Pursuant to section 95 of the *Local Government Act 2019* Council re-appoint Mayor Barden to chair of the meeting.

*Mayor Barden did not vote on this item due to a conflict.*

**CARRIED (6-0) ORD2022 11-238**

*Mayor Barden returned to the meeting as Chair at 7:35pm*



**14.02.07 Nature and Timing of December Ordinary Council Meetings**

Moved: Deputy Mayor Sharp

Seconded: Cr Wright

THAT Council:

1. Council brings forward the Ordinary Council Meeting in December 2022 from Tuesday 20 December to Tuesday 13 December 2022 at 6:00pm in the Council Chambers; and
2. pursuant to Section 90(3)(b) of the Local Government Act, commencing in December 2022 and for the remainder of the term of the current Council, Council will hold its December ordinary monthly meeting on the second Tuesday each month, commencing at 6:00pm.

**CARRIED (7-0) ORD2022 11-239**

**14.03 Infrastructure and Operations**

**14.03.01 Summary Planning and Development Report September 2022**

Moved: Cr Harlan

Seconded: Cr Salter

THAT Council:

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

**CARRIED (7-0) ORD2022 11-240**

*Nicky Davidge left the meeting at 7:44pm*

*Nicky Davidge returned to the meeting at 7:46pm*

**14.03.02 LRCI Phase 3 – Variation to Selection of Road Projects**

Moved: Mayor Barden

Seconded: Cr Salter

THAT Council:

1. approve the variation request to the selection of roads included in the \$2,071,858 LRCI Phase 3 grant funding program, under the heading "road projects"; and
2. nominate the following roads to be submitted under this variation request:
  - Aldridge Street;
  - Ringwood Street;
  - Riverside Street;
  - Collett St to Cherry Street Intersection;
  - Cherry Street from Ringwood intersection to Collett Street; and
  - Barrow Street from Kersley Street intersection to Ringwood Street Intersection.

**CARRIED (7-0) ORD2022 11-241**



**14.03.03 Septic Tank Lid Audit**

Moved: Cr Mackay

Seconded: Cr Wright

THAT Council receive and note the audit of reserve septic tanks.

**CARRIED (7-0) ORD2022 11-0242**

**15. OTHER BUSINESS**

• **Cr Harlan**

While speaking with residents at the Fred's Pass Rural Markets, on social media and on the phone, the following matters were raised with Councillor Harlan and as such he requests a reply from the Chief Executive Officers and/or Mayor Barden.

1. **Road limits:** Are there any plans in the near future to review the mass limits on Litchfield Council roads? If there are no immediate plans, how does a resident commence/start this process with Council?

**CEO Response**

*10 tonne limit for axel – no plans to change this limit due to engineering behind it.*

2. **Cash payments:** On the 25 March 2020, the Litchfield Council published a news article in response to COVID-19 safety protocols that "... Council will no longer be accepting cash payments at the Waste Transfer Stations..." As the Northern Territory's Public Health Emergency Declaration ceased at 11.59pm, Wednesday 15 June 2022:
  - a) Can cash now be used at the transfer stations to pay for mulch and/or fees?
  - b) If not, when will this option be available in the near future or are there other risks that need to be managed?

**CEO Response**

*Cash is not kept on these premises and no plans to change this due to security reasons.*

3. **Footpaths:** Several residents asked about footpaths in the rural area. While I know that there is a plan for footpaths, would it be possible for the CEO to increase the awareness of this plan to residents via the Council web and social media page?

**CEO Response**

*Our shared path program can be found on our website for residents to view. Link also available here → [https://litchfield.nt.gov.au/system/files/uploads/files/2020/Litchfield Council Shared Path Plan May 2020.pdf](https://litchfield.nt.gov.au/system/files/uploads/files/2020/Litchfield_Council_Shared_Path_Plan_May_2020.pdf)*

4. **Road Maintenance:** The maintenance of roads is the major cost to Litchfield residents. What are the road works standards that Litchfield Council require all maintenance works to be completed to? As with most contracts, each request for tender may have specific requirements, but can some information be added to the Council web page for future prospective contractors to access (as an example, Department of Infrastructure Planning and Logistics have their standards for road maintenance available to the public on their web page)?

**CEO Response**

*Litchfield Council follows all of DIPL standards for pavement compositions, reseals and pavement works etc. In relation to tenders, all of this information is provided within the tender documentation when the tender is released.*

5. **Federal Commitment:** During the 2022 federal election both major political parties made a commitment of \$10m to fund Freds Pass Reserve. Can an update be given to the residents on the progress regarding this funding?

**CEO Response**

*Waiting on next Federal budget meeting within the next two weeks. Hoping for confirmation as to where these stand after this meeting is held.*

- **Cr Salter**  
Raised the Thorak Cemetery and the need for more shaded areas, benches and drinking taps. Requested Council to consider this in budget process.
- **Cr Mackay**  
Highlighted the increased truck traffic on Cox Peninsula Road and the impact this could be having on Litchfield residents as the Litchfield population grows. Wanted to highlight for residents to take care when driving to avoid any potential accidents and be mindful of this truck traffic.
- Mayor Doug Barden and Stephen CEO explained that the NT Remuneration Tribunal are accepting written submissions into their inquiry up until 31 October 2022. Litchfield Council have been granted an extension until the 7 November 2022 to formalise a written submission. Draft to be circulated prior to Strategic Session on 1 November.

**16. CONFIDENTIAL ITEMS**

Moved: Deputy Mayor 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:

**CARRIED (7-0) ORD2022 11-243**

**16.01 Minutes Confidential Ordinary Council Meeting**

**16.02.01 2022 – 2023 Annual Community Grants**

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.

#### **16.02.02 Code of Conduct Complaint Draft Summary of Decision – Wright/O'Driscoll**

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*:

(f) subject to sub regulation (2) – information in relation to a complaint of a contravention of the code of conduct.

#### **16.02.03 Firebreaks on Unmaintained Council Reserves**

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)(iv) information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

*The meeting closed to the public at 8:09pm.*

Moved: Cr Mackay  
Seconded: Cr 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 (5-0) ORD2022 11-250**

The meeting moved to Open Session at 8.34pm.

#### **16.01.01 Firebreaks on Unmaintained Road Reserves**

Moved: Deputy Mayor Sharp  
Seconded: Cr Sidey

THAT Council:

1. resolve to continue the current arrangements for maintaining firebreaks on unmaintained road reserves as reasonably practical and in consultation with Bushfires NT and Northern Territory Police Fire and Emergency Services; and
2. approve to make the resolution public at the conclusion of the meeting.

**CARRIED (7-0) ORD2022 11-247**

#### **17. CLOSE OF MEETING**

The Chair closed the meeting at 8.35pm.

#### **18. NEXT MEETING**

Tuesday 15 November 2022.

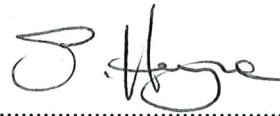


**MINUTES TO BE CONFIRMED**

Tuesday 15 November 2022.

Handwritten signature of Douglas Barden in cursive script, written over a dotted line.

Mayor  
Doug Barden

Handwritten signature of Stephen Hoyne in cursive script, written over a dotted line.

Chief Executive Officer  
Stephen Hoyne