



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting
held in the Council Chambers, Litchfield
Tuesday 13 December 2022 at 6:00pm

Present	Doug Barden Emma Sharp Rachael Wright Mathew Salter Andrew Mackay Kevin Harlan Mark Sidey	Mayor Deputy Mayor / Councillor South Ward Councillor North Ward (<i>electronically</i>) Councillor North Ward Councillor Central Ward Councillor Central Ward Councillor South Ward
Staff	Stephen Hoyne Maxie Smith Nicky Davidge Debbie Branson	Chief Executive Officer General Manager Business Excellence General Manager Community and Lifestyle Executive Assistant
Presenters	Nil.	

Public As per Attendance Register
Streamed Online via YouTube: <https://www.youtube.com/watch?v=3qTdvAiDwSI&t=6434s>

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 6:26pm

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

Moved: Cr Mackay
Seconded: Cr Harlan

THAT Council provides permission for the following Councillors to attend the Council meeting electronically:

- Cr Rachael Wright.

CARRIED (7-0) ORD2022 11-265

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 declared.

4.2 Staff

Chief Executive Officer Stephen Hoyne disclosed an interest in item 16.04 – Chief Executive Officer's Performance Appraisal and Performance Review Committee Meeting Recommendations – 30 November 2022 and agreed to leave the room during deliberations.

5 CONFIRMATION OF MINUTES

5.1 Confirmation of Minutes

Moved: Cr Wright
Seconded: Deputy Mayor Sharp

THAT Council confirm the:

- Ordinary Council Meeting minutes held 15 November 2022, 7 pages;
- Ordinary Confidential Council Meeting held Tuesday 15 November 2022, 2 pages; and as a true and accurate record of those meetings.

CARRIED (7-0) ORD2022 11-266

5.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Deputy Mayor Sharp
Seconded: Cr Sidey

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

CARRIED (7-0) ORD2022 11-267

6. PETITIONS

Nil.

7. DEPUTATIONS AND PRESENTATIONS

Nil.

8. PUBLIC QUESTIONS

Nil.

9. ACCEPTING OR DECLINING LATE ITEMS

Nil.

10. NOTICES OF MOTION

Nil.

11. MAYORS REPORT

Moved: Mayor Barden
Seconded: Deputy Mayor Sharp

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 15 November 2022 to 13 December 2022.

CARRIED (7-0) ORD2022 11-268

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Moved: Cr Salter
Seconded: Cr Harlan

THAT Council note the verbal update provided by the representatives.

CARRIED (7-0) ORD2022 11-269

13. WORK TEAM PRESENTATION

Nil.

14. OFFICERS' REPORTS

14.01 Business Excellence

14.01.01 Litchfield Council Finance Report – November 2022

Moved: Cr Harlan
Seconded: Cr Salter

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

CARRIED (7-0) ORD2022 11-270

14.01.02 People Performance and Governance Monthly Report – November 2022

Moved: Cr Wright
Seconded: Cr Mackay

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

CARRIED (7-0) ORD2022 11-271

14.01.03 Budget Review One – 2022/2023

Moved: Cr Mackay
Seconded: Cr Harlan

THAT Council:

1. receive and note the Budget Review 1 report for 2022/2023;
2. adopt Budget Review 1 – 2022/23, pursuant to Section 203 of the Local government Act 2019, amending total operating income to \$20,326,647, total operational expenditure to \$17,381,237 and total capital expenditure to \$12,805,877;
3. adopt the Financial Reserve movement of \$483,969 for 2022/2023 consisting of:
 - a) Developer Contribution Reserve increase of \$575,588
 - b) Waste Management Reserve reduction of \$413,101
 - c) Asset Reserve reduction of \$1,580,468

14.01.03 Budget Review One – 2022/2023 (Continued)

- d) Thorak Regional Cemetery Reserve increase of \$920,789
- e) Cash for Cans Reserve increase of \$13,223; and
- 4. adopt the amended Long Term Financial Plan for 2022/2023 to 2031/32, pursuant to Division 4 (9) of the Local Government (General) Regulations 2021.

CARRIED (7-0) ORD2022 11-272

14.02 Council Leadership & Community Services

14.02.01 Appointment of Deputy Mayor

Moved: Mayor Barden
Seconded: Cr Sidey

THAT Council appoint Councillor Mackay as Deputy Mayor for an eight-month period ending the first Ordinary Council Meeting held in August 2023.

CARRIED (7-0) ORD2022 11-273

14.02.02 Howard Park and Knuckey Lagoon Recreation Reserves Committee Minutes

Moved: Cr Harlan
Seconded: Cr Salter

THAT Council:

1. receive and note the unconfirmed Howard Park Committee Minutes of 5 December 2022, at Attachment A and the unconfirmed Knuckey Lagoon Committee Minutes of 1 December 2022, at Attachment B; and
2. endorse the nomination for the Howard Park Committee, Evan Johns.

CARRIED (7-0) ORD2022 11-274

14.02.03 Community and Lifestyle Monthly Report – November 2022

Moved: Cr Wright
Seconded: Cr Sidey

THAT Council note the Community and Lifestyle Report for November 2022.

CARRIED (7-0) ORD2022 11-275

14.02.04 Humpty Doo Village Green Lease Agreement

Moved: Cr Harlan
Seconded: Cr Mackay

THAT Council approves the fixation of the Common Seal with the Mayor and the CEO signing the Humpty Doo Village Green Lease Agreement on behalf of Council.

CARRIED (7-0) ORD2022 11-276

23

14.02.05 Breach of Code of Conduct – Summary of Decisions

Moved: Cr Salter
Seconded: Cr Harlan

THAT Council receive and note the Breach of Code of Conduct – Summary of Decisions report.

CARRIED (7-0) ORD2022 11-277

14.02.06 Chief Executive Officer's Performance Appraisal and Remuneration Review Committee – Terms of Reference - Amendment

Moved: Deputy Mayor Sharp
Seconded: Cr Sidey

THAT Council adopt the amended Terms of Reference for the Chief Executive Officer's Performance Appraisal and Remuneration Review Committee as per Attachment A to the report, subject to retaining the independent consultant / representative.

CARRIED (7-0) ORD2022 11-278

14.03 Infrastructure and Operations

14.03.01 Summary Planning and Development Report November 2022

Moved: Deputy Mayor Sharp
Seconded: Cr Wright

THAT Council:

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

CARRIED (7-0) ORD2022 11-279

14.03.02 Policy Reviews

Moved: Cr Mackay
Seconded: Cr Sidey

THAT Council:

1. adopt policy INF05 Sealing of Roads, at Attachment A;
2. adopt policy INF03 Roadside Memorials and Monuments, at Attachment B;
3. adopt policy INF02 Driveway Crossovers, at Attachment C;
4. adopt policy GOV12 Land Acquisition Policy, at Attachment D (with the inclusion of the definition of "Acquisition"); and
5. authorise the Chief Executive Officer to make minor amendments.

CARRIED (7-0) ORD2022 11-280

15. OTHER BUSINESS

Mayor Barden acknowledged the passing of Mrs Sandra Byrnes from Arnhem Nursery and on behalf of the Council extended his condolences to the family.

Cr Wright commented on the tragic accident involving an eight-year-old boy who was hit by vehicle at the bus stop in Bees Creek and extended her thoughts to the family.

16. CONFIDENTIAL ITEMS

Moved: Cr Mackay

Seconded: Deputy Mayor Sharp

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 Confidential Council Minutes

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(e) information provided to the council on condition that it be kept confidential.

16.02 Appointment of Risk Management Audit Committee Chair

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

16.03 2023 Australia Day Awards

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.

16.04 Chief Executive Officer's Performance Appraisal and Remuneration Review Committee Meeting Recommendations – 30 November 2022

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(a) 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.

Cr Harlan left the meeting at 7:50pm

CARRIED (6-0) ORD2022 11-281

The meeting closed to the public at 7:50pm.

Cr Harlan returned to the meeting at 7:51pm

Moved: Cr Mackay
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 re-opened to the public.

CARRIED (7-0) ORD2022 11-285

The meeting moved to Open Session at 8:32pm.

16.01 Appointment of Interim Risk Management Audit Committee Chair

THAT Council:

1. appoint Iain Summers as the independent chairperson of the Risk Management and Audit Committee for a term for one year, ending 31 December 2023;
2. approve the acknowledgement at Attachment A to the incumbent Chairperson; and
3. makes public the resolution from this report in the open minutes of the Council meeting.

CARRIED (7-0) ORD2022 11-282

17. CLOSE OF MEETING

The Chair closed the meeting at 8:32pm.

18. NEXT MEETING

Tuesday 17 January 2023.

MINUTES TO BE CONFIRMED

Tuesday 17 January 2023.

Douglas Barden.

Mayor
Doug Barden

S. Hoynes

Chief Executive Officer
Stephen Hoynes