



## COUNCIL MINUTES

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### LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting  
held in the Council Chambers, Litchfield  
Tuesday 19 September 2023 at 6:00pm

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Present	Doug Barden	Mayor (Chair)
	Rachael Wright	Deputy Mayor / Councillor North Ward
	Andrew Mackay	Councillor Central Ward
	Mathew Salter	Councillor North Ward
	Kevin Harlan	Councillor Central Ward ( <i>electronically</i> )
	Mark Sidey	Councillor South Ward ( <i>electronically</i> )
	Emma Sharp	Councillor South Ward ( <i>electronically</i> )
Staff	Stephen Hoyne	Chief Executive Officer
	Maxie Smith	Director Corporate and Community
	Rodney Jessup	Director Infrastructure and Operations
	Julie Hillier	Manager Planning and Development ( <i>electronically - in part</i> )
	Gayathri Sivaraj	Manager Corporate Services ( <i>in part</i> )
	Ashleigh Young	Community Participation Officer ( <i>electronically - in part</i> )
	Debbie Branson	Executive Assistant
Public	As per Attendance Register	

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#### 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 6:01pm*

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.

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### **3. ELECTRONIC ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE**

#### **3.1 Electronic Attendance**

Moved: Deputy Mayor Wright

Seconded: Cr Mackay

THAT Council approve Cr Sidey, Cr Harlan and Cr Sharp to attend the meeting electronically.

**CARRIED (7/0) ORD2023 11-155**

#### **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**

Nil.

#### **4.2 Staff**

Chief Executive Officer, Stephen Hoyne declared an interest in Item 15.07 – Workplace Matter however it was not considered necessary for the Chief Executive Officer to leave the meeting for the first part of this being discussed where the Chief Executive Officer would present his summary of the issues and his reasons for the requested items. The Chief Executive Officer was asked to leave the meeting while Council deliberated on its resolution.



## 5. PUBLIC QUESTIONS

### 5.01 Clare Haynes – Freds Pass Reserve

Ms Haynes submitted a public question via a webform submission as follows:

*It is great to see the Fred's Pass Reserve Expansion Plan as this facility will continue to serve as the recreation and sporting hub for our community as the rural area expands. As stated in the Shared Path Plan, "the promotion of walking and cycling can greatly assist and contribute to Litchfield's outcome of being a safe and liveable community by having well connected networks." I, along with other families living in the rural area, would like to know - what will it take for investment into the healthy and safe future for Litchfield residents via shared paths to take place? The Litchfield Council is becoming increasingly popular for young families, and we would love to see our children along with their families and all residents be able to safely use bikes or walk to the education and recreational facilities that Freds Pass Reserve provides and then link up to the Coolalinga shopping precinct and even to the fantastic bike path that goes into the city. We need to look to a healthy liveable engaged future for our community.*

The question was taken on notice.

### 5.02 Narelle Goodrem – Telstra Towers

Ms Goodrem submitted the following public questions via a webform submission as follows:

1. *What are LC roles and responsibilities within the Australian Government regulatory framework for the telecommunications industry in regards the oversight and management of the number of towers going up in the Litchfield area?*
2. *What policies (if any) does Litchfield Council have in regards how requests/proposals from telecommunication companies are investigated for compliance with the above regulatory framework?*
3. *What is Councils understanding of residents' concerns in relation to the 5G rollout in the Litchfield area and what steps has Council taken to undertake its own research on scientific claims about the possible dangers of 5G?*
4. *Does Council have the following documents for each tower*
  - *Health and Safety Risk Assessment;*
  - *Environmental Impact Analysis;*
  - *Insurance Policy for the equipment; and*
  - *The Material Safety Data Sheet for each tower?*
5. *Did Council request for an extension to the timeframe for feedback on Optus letter dated 24 August 2023 advising of the need to upgrade the facility. If so what length of extension was requested and what is the new date for a response to proposed upgrade?*
6. *Are Council aware of the current International Appeal by EMF Scientists to stop the rollout of the current 5G format? (Attachment sent under separate cover)*

The matter will be heard at the Development Consent Authority on Wednesday 20 September 2023 and Litchfield Council will advocate accordingly.

## **6 CONFIRMATION OF MINUTES**

### **6.1 Confirmation of Minutes**

Moved: Deputy Mayor Wright  
Seconded: Cr Harlan

THAT Council confirm the:

- Ordinary Council Meeting held Tuesday 15 August 2023, 9 pages;
- Ordinary Confidential Council Meeting held Tuesday 15 August 2023, 3 pages;
- Special Council Meeting held Wednesday 23 August 2023, 3 pages; and
- Special Confidential Council Meeting held Wednesday 23 August 2023, 3 pages.

**CARRIED (7/0) ORD2023 11-156**

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

Moved: Deputy Mayor Wright  
Seconded: Cr Sidey

THAT Council receive and note Item 6.02 within the Council agenda, Council Action Sheet / Business Arising from Previous Meetings.

**CARRIED (7/0) ORD2023 11-157**

## **7. PETITIONS**

Nil.

## **8. DEPUTATIONS AND PRESENTATIONS**

Nil.

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

Moved: Cr Mackay  
Seconded: Cr Sharp

THAT Council the late report item 15.08 Breach of Code of Conduct Complaint, be accepted and included under Confidential Reports for consideration.

**CARRIED (7/0) ORD2023 11-158**

## **10. NOTICES OF MOTION**

Nil.



## **11. MAYORS REPORT**

Moved: Mayor Barden  
Seconded: Cr Sharp

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 16 August 2023 to 19 September 2023.

**CARRIED (7/0) ORD2023 11-159**

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

The verbal updates were referred to the relevant items within the agenda.

## **13. OFFICERS' REPORTS**

### **13.01 Corporate and Community**

#### **13.01.01 Litchfield Council Finance Report – August 2023**

Moved: Cr Sharp  
Seconded: Cr Sidey

THAT Council not the Litchfield Council Finance Report for the period ended 31 August 2023.

**CARRIED (7/0) ORD2023 11-160**

#### **13.01.02 Capital Works Rollover 2022-23 to 2023-24**

Moved: Cr Mackay  
Seconded: Cr Sidey

THAT Council:

1. receive and note the Capital Works Rollover 2022/23 to 2023/24 report and the corresponding Attachment A: Capital Works Rollover
2. adopts the capital works rollover movements for 30 June 2023 of:
  - \$3,129,452.82 transfer to Unexpended Capital Works Financial Reserve
  - \$2,622,385.81 transfer to Unexpended Grants Financial Reserve
  - \$186,725.75 transfer to Waste Management Financial Reserve
3. adopts the capital works rollover movements and recognise the capital income and expenditure as of 1 July 2023 of:
  - \$3,129,452.82 transfer from Unexpended Capital Works Financial Reserve
  - \$2,622,385.81 transfer from Unexpended Grants Financial Reserve
  - \$186,725.75 transfer from Waste Management Financial Reserve
  - \$5,938,564.38 increase to capital expenditure
  - \$2,622,385.81 increase to capital income
4. acknowledges the decision made on this report will supersede Council Decision ORD2023 11-136.

**CARRIED (6/1) ORD2023 11-161**

**13.01.03 People Performance and Governance Monthly Report – August 2023**

Moved: Deputy Mayor Wright  
Seconded: Cr Harlan

THAT Council note the People, Performance and Governance Report for August 2023.

**CARRIED (7/0) ORD2023 11-162**

**13.01.04 Local Roads and Community Infrastructure (LRCI) Stage 4 Project Selection Phase**

Moved: Cr Mackay  
Seconded: Cr Sharp

THAT Council approve the variations to Local Roads and Community Infrastructure Stage 4 Part A with a \$682,628 allocation to the shared path works and recommends the allocation of \$682,628 of LRCI Stage 4 Part B to be solely for road reseals.

**CARRIED (7/0) ORD2023 11-163**

**13.01.05 Risk Management Audit Committee Open Minutes – 6 September 2023**

Moved: Cr Sidey  
Seconded: Cr Mackay

THAT Council receive and note the Risk Management Audit Committee unconfirmed open minutes from 6 September 2023 meeting, as at Attachment A.

**CARRIED (7/0) ORD2023 11-164**

**13.01.06 DRAFT GOV04 Whistleblowing Policy**

Moved: Cr Sharp  
Seconded: Cr Harlan

THAT Council adopt the draft policy GOV04 Whistleblowing policy, as at Attachment A, and authorise the Chief Executive Officer to make minor amendments.

**CARRIED (7/0) ORD2023 11-165**

**13.02 Executive and Community Development**

**13.02.01 Community Services and Development Monthly Report – August 2023**

Moved: Cr Salter  
Seconded: Cr Harlan

THAT Council note the Community Services and Development Monthly Report for August 2023.

**CARRIED (7/0) ORD2023 11-166**



**13.02.02 Litchfield Council 2023 Annual Community Survey**

Moved: Deputy Mayor Wright  
Seconded: Cr Salter

THAT Council:

1. thank the community members that provided feedback via the survey; and
2. receive and note the Litchfield Council 2023 Annual Community Survey Results, as at Attachment A.

**CARRIED (7/0) ORD2023 11-167**

**13.02.03 Knuckey Lagoon and Howard Park Recreation Reserve Management Committee Minutes**

Moved: Cr Harlan  
Seconded: Cr Salter

THAT Council:

1. receive and note the unconfirmed Knuckey Lagoon Recreation Reserve Management Committee Minutes of Thursday 3 August 2023, at Attachment A; and
2. receive and note the unconfirmed Howard Park Recreation Reserve Management Committee Minutes of Monday 14 August 2023, at Attachment B.

**CARRIED (7/0) ORD2023 11-168**

**13.02.04 Project Steering Committee Terms of Reference – Freds Pass Sport and Recreation Reserve \$10M Grant Project Works**

Moved: Cr Mackay  
Seconded: Deputy Mayor Wright

THAT Council approve the establishment of the Project Steering Committee in line with the Terms of Reference as at Attachment A with the following amendments:

Item 3 – Composition - within the Terms of Reference to include invited guests, deputations or guest speakers.

Item 3 – Chairperson – appointed at the inaugural meeting.

Item 7 – Decision-Making Process

- c) only Elected Members representatives are entitled to vote.

**CARRIED (7/0) ORD2023 11-169**

**13.02.04 Project Steering Committee Terms of Reference – Freds Pass Sport and Recreation Reserve \$10M Grant Project Works**

Moved: Cr Mackay  
Seconded: Deputy Mayor Wright

THAT Council:

1. appoints Councillor Sidey, Councillor Sharp, and Councillor Harlan as the Council Representatives on the Project Steering Committee and appoints Mayor Doug Barden as the alternate member;
2. appoints the Chief Executive Officer, or their delegate, as a member of the Project Steering Committee; and
3. request a nominated representative from the Freds Pass Sport and Recreation Reserve Management Board on the Project Steering Committee.

**CARRIED (7/0) ORD2023 11-170**

**13.02.05 NT Remuneration Tribunal – Members Allowances Inquiry**

Moved: Deputy Mayor Wright  
Seconded: Cr Mackay

THAT Council:

1. receive and note correspondence from NT Remuneration Tribunal dated 15 August 2023, as at Attachment A;
2. note that individual Councillors may make independent submissions to the NT Remuneration Tribunal; and
3. authorise the Chief Executive Officer to make submission to the NT Remuneration Tribunal on behalf of Council.

**CARRIED (7/0) ORD2023 11-171**

**13.03 Infrastructure and Operations**

**13.03.01 Summary Planning and Development Report August 2023**

Moved: Cr Harlan  
Seconded: Cr Sharp

THAT Council:

1. receive the Summary Planning and Development Report August 2023; and
2. note for information the responses provided to relevant agencies within Attachments A to D of this report.

**CARRIED (7/0) ORD2023 11-172**



**13.03.02 Guys Creek Road Upgrade Gravel to Seal**

Moved: Cr Mackay  
Seconded: Mayor Barden

THAT Council:

1. approve the Guys Creek Road Upgrade to Seal Report as presented;
2. approve the proposed recommended strategy to upgrade Guys Creek Road from Gravel to Seal; and
3. approve Brougham Road Upgrades Gravel to Seal project construction to be put on hold so Council staff can undertake a detailed investigation and design work to allow comprehensive budget submissions to be made in hope of obtaining the required budget for construction in the future.

**CARRIED (6/1) ORD2023 11-173**

**13.03.03 Audit Approach – Cost to Maintain Council Recreation Reserves**

Moved: Cr Harlan  
Seconded: Cr Sidey

THAT Council receive and note Item 13.03.03 Audit Approach - Cost to Maintain Council Recreation Reserves.

**CARRIED (7/0) ORD2023 11-174**

**14. OTHER BUSINESS**

**14.01 Taminmin Community Library – Revisiting Relocation Long Term**

**14.02 Humpty Doo Transfer Station – Steel Collection / Compaction Statistics**

**14.03 Berry Creek – Hopewell Road – Clearing – Update on Investigation**

**15. CONFIDENTIAL ITEMS**

Moved: Cr Mackay  
Seconded: Deputy Mayor Wright

THAT pursuant to Section 293(1) 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:

**15.01 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*:

(d) information subject to an obligation of confidentiality at law, or in equity.

**15.02 Risk Management and Audit Committee Unconfirmed Confidential Minutes – 6 September 2023**

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*:

(c)(iii) information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

**15.03 Road Seal Levy Hold of Interest Charges**

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*.

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

**15.04 Development Consent Authority Nominations**

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*.

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

**15.05 Moving of Confidential Items**

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*.

(c)(iv) information that would, if publicly disclosed, be likely to subject to subregulation (3) – prejudice the interests of the council or some other person.

**15.06 Sale of Land – 80 and 84 Southport Road**

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*.

(c)(iv) information that would, if publicly disclosed, be likely to subject to subregulation (3) – prejudice the interests of the council or some other person.

**15.07 Workplace Matter**

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*.

(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.



**15.08 Breach of Code of Conduct Complaint**

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*.

(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.

**CARRIED (7/0) ORD2023 11-175**

The meeting moved to Confidential Session at 8:14pm.

**15.02 Road Seal Levy Hold Interest Charges**

Moved: Cr Mackay

Seconded: Cr Sharp

THAT Council:

1. note that interest is not currently being charged on road seal levies;
2. approves the withholding of interest charges for the 2023/2024 financial year for the affected road seal levies;
3. authorises correspondence informing Guys Creek landowners of this resolution; and
4. makes public this resolution.

**CARRIED (7/0) ORD2023 11-177**

**15.04 Moving of Confidential Items to Open**

Moved: Cr Sharp

Seconded: Cr Harlan

THAT Council:

1. resolves to move the confidential resolutions as listed in Attachment A to public; and
2. make public this resolution and the listing of resolutions as at Attachment A.

**CARRIED (7/0) ORD2023 11-179**

Moved: Cr Mackay

Seconded: Cr Sidey

THAT pursuant to Section 293(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) ORD2023 11-185**

The meeting moved to Open Session at 10:12pm.

**17. CLOSE OF MEETING**

The Chair closed the meeting at 10:12pm.

**18. NEXT MEETING**

Tuesday 17 October 2023.

**MINUTES TO BE CONFIRMED**

Tuesday 17 October 2023.



Mayor  
Doug Barden



Chief Executive Officer  
Stephen Hoyne