



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting
held in the Council Chambers, Litchfield
Tuesday 20 February 2024 at 6:00pm

Present	Doug Barden Rachael Wright Andrew Mackay Kevin Harlan Emma Sharp Mathew Salter Mark Sidey	Mayor (Chair) Deputy Mayor, Councillor North Ward Councillor Central Ward Councillor Central Ward (<i>electronically</i>) Councillor South Ward Councillor North Ward Councillor South Ward
Staff	Stephen Hoyne Rodney Jessup Maxie Smith Ankit Pansal Megan Leo	Chief Executive Officer Director Infrastructure and Operations Director Corporate and Community HR and Records Management Program Leader (<i>electronically - in part</i>) Executive Assistant
Public	As per Attendance Register	

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Moved: Cr Sharp
Seconded: Cr Mackay

THAT Council approve Cr Harlan to attend the meeting electronically.

CARRIED (7/0) ORD2024 11-020

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 2019* and its policies regarding the same.

4.1 Elected Members

Councillor Salter disclosed a conflict of interest (during the Confidential Section of the Meeting) in Item 15.07 Breach of Code of Conduct Complaint – 16 January 2024 and agreed to leave the meeting before this item was considered.

4.2 Staff

Chief Executive Officer, Stephen Hoyne disclosed a conflict of interest in Item 15.06 NTCAT Orders Case Number 2023-04224-CT and Item 15.07 Breach of Code of Conduct Complaint – 16 January 2024 and agreed to leave the meeting before these items were considered.

5. PUBLIC QUESTIONS

5.01 Fiona Scott – Treasurer Rural Potters Association

Ms Scott voiced her frustration in relation to attempts to gain approval for the Rural Potters Association (Association) to build a shed at Freds Pass Sport and Recreation Reserve (FPSRR). The Association is in need of a new facility to operate from and has grant funding, design plans and a builder to construct a shed.

Ms Scott asked:

1. Has anything has been done by Council to secure the \$10M federal grant funding for the FPSRR?
2. Has anything been done to get certification for the Community Hall at FPSRR?
3. Can Council put in writing that it is the responsibility of the FPSRR Management Board to consider/approve their request to construct a facility on the FPSRR?
4. There are insufficient services available to support a building at the suggested possible alternate location of Humpty Doo Village Green.

Answers:

1. Mayor Barden advised the application for the \$10M federal grant funding for the FPSRR has been submitted.
2. CEO, Stephen Hoyne advised there is no additional plans or upgrades for the existing Community Hall.
3. CEO, Stephen Hoyne confirmed it is the responsibility of the Freds Pass Sport Recreation Reserve Management Board to consider/approve their request to construct a facility on the FPSRR. Council can support the approval.
4. Mayor Barden advised this question would be taken on notice.

Cr Sidey left the meeting at 6:07pm.

5.02 Jenny Smyth – Event Sponsorship (Agenda Item 13.02.04)

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

Why is Litchfield Council considering paying \$5000 of community raised funds to a for profit business to cover costs for a for profit dance event? Who's lining whose pockets here? Will council also consider paying for costs at events at Noonamah Tavern or Coolalinga Tavern or Berry Springs Tavern or Humpty Doo Tavern as well?

The cash for containers grants guidelines state:

Eligibility

Applicants must:

** Be an incorporated group or not for profit organisation based in Litchfield or provide services, activities or projects for the Litchfield community*

The question was taken on notice.

5.03 Jason – Sealing of Guys Creek Road

Jason submitted a public question via a webform submission as follows:

QUESTION FOR COUNCIL Why didn't Andrew Mackay declare conflict of interest in Guys Creek Rd sealing which is costing \$1.75 million of rate payers money?

FACTS He is the CLP candidate for Goyder, this road is in Goyder! Residents of this road are not contributing any money. He can claim he voted for this road to be sealed and buy their votes with our money. Something for ICAC for sure! He should step down now!

The question was taken on notice.

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

Cr Sidey returned to the meeting at 6:13pm.

Moved: Cr Sharp
Seconded: Deputy Mayor Wright

THAT Council confirm the:

- Ordinary Council Meeting held Tuesday 16 January 2024, 8 pages; and
- Ordinary Confidential Council Meeting held Tuesday 16 January 2024, 3 pages.

CARRIED (7/0) ORD2024 11-021

6.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Deputy Mayor Wright
Seconded: Cr Mackay

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

CARRIED (7/0) ORD2024 11-022

7. PETITIONS

Nil.

8. DEPUTATIONS AND PRESENTATIONS

Nil.

9. ACCEPTING OR DECLINING LATE ITEMS

Moved: Cr Mackay
Seconded: Cr Harlan

THAT the late report Item 15.07 Breach of Code of Conduct Complaint – 16 January 2024, be accepted and included under Officer's Reports in the Confidential Section of the meeting for consideration.

CARRIED (7/0) ORD2024 11-023

10. NOTICES OF MOTION

Nil.

11. MAYORS REPORT

Moved: Mayor Barden
Seconded: Cr Salter

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 17 January 2024 to 20 February 2024.

CARRIED (7/0) ORD2024 11-024

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Updates from Appointed Representatives will be provided within the meeting when applicable reports are considered.

Moved: Cr Mackay
Seconded: Cr Sharp

THAT Council acknowledge the verbal updates provided by the Council appointed representatives.

CARRIED (7/0) ORD2024 11-025

13. OFFICERS' REPORTS

13.01 Corporate and Community

13.01.01 Litchfield Council Finance Report – January 2024

Moved: Cr Sharp
Seconded: Cr Harlan

THAT Council note the Litchfield Council Finance Report for 31 January 2024.

CARRIED (7/0) ORD2024 11-026

13.01.02 People, Performance and Governance Report – January 2024

Moved: Deputy Mayor Wright
Seconded: Cr Sharp

THAT Council note the People, Performance and Governance Report for January 2024.

CARRIED (7/0) ORD2024 11-027

13.01.03 GOV08 Organisational Change Policy – Rescind

Moved: Cr Sidey
Seconded: Cr Harlan

THAT Council note this report and rescind GOV08 Organisational Change.

CARRIED (6/1) ORD2024 11-028

13.01.04 Policy Review: Draft GOV01 Policy Framework and Draft GOV11 Common Seal

Moved: Cr Sidey
Seconded: Cr Sharp

THAT Council:

1. adopt the draft policy GOV01 Policy Framework, as at Attachment A, and
2. adopt the draft policy GOV11 Common Seal, as at Attachment B, and
3. authorises the Chief Executive Officer to make minor amendments.

CARRIED (7/0) ORD2024 11-029

13.01.05 Local Government Code of Conduct Panel Summary Decision

Moved: Cr Harlan
Seconded: Cr Sharp

THAT Council receive and note the Code of Conduct Panel Summary Decision of 30 November 2023 in the matter of Hoyne vs Salter, as reflected in this report.

CARRIED (7/0) ORD2024 11-030

13.02 Executive and Community Development

13.02.01 Community Services and Development Monthly Report – January 2024

Mayor Barden thanked the Litchfield Lions Club NT and Rotary Club of Litchfield/Palmerston for their continued hard work and effort in making the Australia Day event a success.

Moved: Cr Mackay

Seconded: Cr Sidey

THAT Council note the Community Services and Development Monthly Report for January 2024.

CARRIED (7/0) ORD2024 11-031

13.02.02 Knuckey Lagoon and Howard Park Recreation Reserve Management Committee Minutes

Moved: Cr Harlan

Seconded: Deputy Mayor Wright

THAT Council:

1. receive and note the unconfirmed Knuckey Lagoon Recreation Reserve Management Committee Minutes of Thursday 1 February 2024, at Attachment A; and
2. receive and note the unconfirmed Howard Park Recreation Reserve Management Committee Minutes of Monday 5 February 2024, at Attachment B.

CARRIED (7/0) ORD2024 11-032

13.02.03 National General Assembly of Local Government 2024

Moved: Cr Sidey

Seconded: Cr Sharp

THAT Council:

1. note the upcoming 2024 National General Assembly of Local Government in Canberra from 2 July 2024 to 5 July 2024;
2. approve the Mayor and Chief Executive Officer attending the National General Assembly of Local Government in Canberra; and
3. further support other elected members attending and utilising their available professional development allowance.

CARRIED (7/0) ORD2024 11-033

13.02.04 Sponsorship Request: Darwin River Tavern in Collaboration with Osprey Events

Moved: Cr Sidey
Seconded: Cr Sharp

THAT Council:

1. lay this report on the table until the 19 March Ordinary Council Meeting; and
2. review FIN07 Community Grants, Donations and Sponsorship Policy prior to 19 March Ordinary Council Meeting.

CARRIED (7/0) ORD2024 11-034

13.03 Infrastructure and Operations

13.03.01 Summary Planning and Development Report January 2024

Moved: Cr Sharp
Seconded: Deputy Mayor Wright

THAT Council receive and note the Summary Planning and Development Report January 2024.

CARRIED (7/0) ORD2024 11-035

14. OTHER BUSINESS

14.01 Condolences

Cr Harlan offered condolences on Council's behalf to the family of Camille Fogerty.

Mayor Barden offered condolences on Council's behalf to the McGrigor family.

14.02 NTCAT Matter 2023-04304 – Barden

Cr Salter advised that the Directions Hearing held 16 February 2024 was adjourned until Friday 8 March 2024.

15. CONFIDENTIAL ITEMS

Moved: Cr Mackay
Seconded: Cr Sharp

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 Rates in Arrears – in excess of two years

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.

15.03 Rates in Arrears – in excess of two years

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 Code of Conduct Complaints – Status Update

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 subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.

15.05 Remuneration Tribunal Determination 1 of 2024 – Embargoed Copy

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*.

(e) subject to subregulation (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

15.06 NTCAT Orders – Case Number 2023-04224-CT

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.

15.07 Breach of Code of Conduct Complaint – 16 January 2024

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 subregulation (2) – information in relation to a complaint of a contravention of the code of conduct.

CARRIED (7/0) ORD2024 11-036

The meeting moved to Confidential Session at 7:11pm.

Moved: Cr Mackay
Seconded: Mayor Barden

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 (6-0) ORD2024 11-043

The meeting moved to Open Session at 8:11pm.

Items moved from Confidential:

15.02 Rates in Arrears – in excess of two years

Moved: Cr Sidey
Seconded: Cr Sharp

THAT Council:

1. receive and note the report;
2. approve the Chief Executive Officer, or their delegate, to transact all official transactions relating to statutory charges including affirmation and release of statutory charge as outlined in Attachment B;
3. approve Council to proceed and apply Common Seal with all sale of land actions on some properties owing rates over 5 years; and
4. make public its resolution on this matter.

CARRIED (5/2) ORD2024 11-037

15.03 Application to Write-Off Rates Charges

Moved: Cr Mackay
Seconded: Cr Sidey

THAT Council:

1. approve the write-off rates and interest charges, totalling \$2,971.05, for Assessment 10058808 being an unrateable lot; and
2. make public its resolution on this matter.

CARRIED (7/0) ORD2024 11-038

15.04 Remuneration Tribunal Determination No1 of 2024 – Embargoed

Moved: Cr Harlan
Seconded: Cr Mackay

THAT Council:

1. receive and note the embargoed copy of the Remuneration Tribunal's Determination No. 1 of 2024, as at Attachment A;
2. note the lifting of the embargo following the tabling of the Remuneration Tribunal's Determination No. 1 of 2024 in the Northern Territory Legislative Assembly Sittings of 14 February 2024;
3. note the circulation of the non-embargoed Remuneration Tribunal's Determination No. 1 of 2024 to Elected Members via email on 20 February 2024; and
4. make public its resolution on this matter.

CARRIED (7/0) ORD2024 11-040

17. CLOSE OF MEETING

The Chair closed the meeting at 8:12pm.

18. NEXT MEETING

Tuesday 19 March 2024.

MINUTES TO BE CONFIRMED

Tuesday 19 March 2024.

.....
Mayor
Doug Barden

.....
Chief Executive Officer
Stephen Hoyne