



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting
held in the Council Chambers, Litchfield
on Tuesday 16 July 2024 at 6:00pm

| | | |
|----------------|----------------------------|---|
| Present | Doug Barden | Mayor (Chair) |
| | Kevin Harlan | Deputy Mayor, Councillor Central Ward |
| | Rachael Wright | Councillor North Ward |
| | Mathew Salter | Councillor North Ward |
| | Andrew Mackay | Councillor Central Ward |
| | Mark Sidey | Councillor South Ward |
| | Emma Sharp | Councillor South Ward |
| Staff | Stephen Hoyne | Chief Executive Officer |
| | Maxie Smith | Director Corporate and Community |
| | Rodney Jessup | Director Infrastructure and Operations |
| | Ankit Pansal | HR and Records Program Leader (<i>electronically in part</i>) |
| | Jill Enriquez | Community Participation Officer (<i>electronically in part</i>) |
| | Rebecca Taylor | Policy and Governance Program Leader |
| 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

Nil.

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

As per Section 115 of the Local Government Act 2019, Cr Mackay disclosed an interest in Late Item 15.08 – Freds Pass Funding, in confidential, and advised they would leave the meeting whilst the item is under consideration.

4.2 Staff

Nil

4. PUBLIC QUESTIONS

Barry Moriarty requested a follow-up on two emails he had been sent regarding a petition and a list of properties that should not have been charged the road seal levy. Mr Moriarty was advised that the petition is non-conforming and that it would be discussed in the confidential section of the meeting and that a response to the list of properties would be provided via email.

Mr Moriarty asked how the road seal levy is calculated and said that Council still does not know how the levy has been calculated. Mayor Barden confirmed that the original calculation was set by a previous Council and that it was unknown, however the processes of applying a road seal levy has been confirmed through legal advice.

5. CONFIRMATION OF MINUTES

6.1 Confirmation of Council Minutes

Moved: Cr Sidey

Seconded: Cr Sharp

THAT Council confirms the following minutes as a true and accurate record of those meetings:

- Ordinary Council Meeting held Tuesday 18 June 2024, 11 pages; and
- Ordinary Confidential Meeting held Tuesday 18 June 2024, 4 pages.

CARRIED (7-0) ORD2024 11-148

6.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Deputy Mayor Harlan

Seconded: Cr Sharp

THAT Council receive and note Item 5.02 within the Council agenda, Council Action Sheet / Business Arising from Previous Meetings.

CARRIED (7-0) ORD2024 11-150

6. PETITIONS

To be discussed at 15.05 Non-Conforming Petition Received, in confidential.

7. DEPUTATIONS AND PRESENTATIONS

Nil.

9. ACCEPTING OR DECLINING LATE ITEMS

Moved: Cr Salter

Seconded: Cr Wright

THAT the late report Item 15.8 Freds Pass Reserve Grant Funding, be accepted and included under Officer's Reports in the Confidential Section of the meeting for consideration.

CARRIED (7-0) ORD2024 11-150

10. NOTICES OF MOTION

Nil.

11. MAYORS REPORT

Moved: Mayor Barden
Seconded: Deputy Mayor Harlan

THAT Council receive and note Item 11.01 Mayor's monthly report for the period 18 June 2024 to 16 July 2024.

CARRIED (7-0) ORD2024 11-151

12. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Updates from appointed representatives will be provided within the meeting when applicable reports are considered.

13. OFFICERS' REPORTS

13.01 Corporate and Community

13.01.01 Litchfield Council Finance Report – June 2024

Moved: Cr Sharp
Seconded: Deputy Mayor Harlan

THAT Council note the Litchfield Council Finance Report for 30 June 2024 and add the Chief Executive Officer signature to the report.

CARRIED (7-0) ORD2024 11-152

13.01.02 People, Performance and Governance Report – June 2024

Moved: Cr Wright
Seconded: Cr Salter

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

CARRIED (7-0) ORD2024 11-153

13.02 Executive and Community Services

13.02.01 Community Services and Development Monthly Report – June 2024

Moved: Deputy Mayor Harlan
Seconded: Cr Sharp

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

CARRIED (7-0) ORD2024 11-154

13.02.02 Municipal Plan 2023-2024 – Quarterly Performance Report

Moved: Deputy Mayor Harlan
Seconded: Cr Mackay

THAT Council receive the Municipal Plan 2023-2024 Quarterly Performance Report for the fourth quarter ending 30 June 2024.

CARRIED (7-0) ORD2024 11-155

13.02.03 Code of Conduct Complaint – Notice of Decision

Moved: Deputy Mayor Harlan
Seconded: Cr Sharp

THAT Council receive and note the Breach of Code of Conduct Complaint – 10 April 2024 – Decision as at Attachment A.

CARRIED (7-0) ORD2024 11-156

13.02.04 Recreation Reserve Management Committee Minutes – June 2024

Moved: Cr Wright
Seconded: Cr Salter

THAT Council:

1. receive and note the unconfirmed Knuckey Lagoon Recreation Reserve Management Committee Minutes of Thursday 6 June 2024, at Attachment A; and
2. receive and note the unconfirmed Howard Park Recreation Reserve Management Committee Minutes of Monday 8 July 2024, at Attachment B.

CARRIED (7-0) ORD2022 11-157

13.03 Infrastructure and Operations

13.03.01 Summary Planning and Development Report – June 2024

Moved: Cr Mackay
Seconded: Cr Wright

THAT Council:

1. receive the Summary Planning and Development Report June 2024; and
2. note for information the responses provided to relevant agencies within Attachments A to B of this report.

CARRIED (7-0) ORD2024 11-158

13.03.02 Request for Land (5 Campbell Road)

Moved: Deputy Mayor Harlan
Seconded: Cr Sidey

THAT Council:

1. support the development of policies that would enable Council to lease Council owned land in a fair and equitable process and include provisions around financial management and asset management; and
2. approve the Director Infrastructure and Operations to provide a response to the requestee advising of the above.

CARRIED (7-0) ORD2024 11-159

13.03.03 Policy Review – CEM03 Memorials Policy

Moved: Cr Sharp
Seconded: Cr Wright

THAT Council adopts draft CEM03 Memorials Policy, as at Attachment A and authorises the Chief Executive Officer to make minor editorial changes.

CARRIED (7-0) ORD2024 11-160

13.03.04 Request for Lease – Rural Potters Association

Moved: Cr Sharp
Seconded: Cr Wright

THAT Council:

1. Provide in principle support for proposed options for locating the Rural Potters Shed within the Humpty Doo Village Green;
2. Request Rural Potters Association to provide a full project plan addressing the following;
 - a. Detailed design plan for endorsement by Litchfield Council.
 - b. Detailed development costs for construction of the building, including all relevant permits and connection to existing onsite services.
 - c. Any necessary additional costs for site investigations and design.
 - d. Total project cost with evidence of ability to fund the proposal.
 - e. Communications plan inclusive of interruptions to access any parts of the Humpty Doo Village Green during construction.
 - f. Contractor selection process.
 - g. Any additional requirements as stipulated through liaison with Council Noting the above requirements are at no cost to Litchfield Council.

3. Provide in principle support for a user agreement/licence to be established with the Rural Potters Association and Litchfield Council (pending acceptance of the above) particularly noting the requirements for financial and maintenance obligations, risk management, work health and safety and public liability insurance (due to the nature of the activities); and
4. Support acceptance of Assets as detailed in the Delegation Manual.

CARRIED (7-0) ORD2024 11-161

14. OTHER BUSINESS

14.01 Cr Harlan asked for an update on Parkin Road access (*question taken on notice by Director Infrastructure and Operations*)

14.02 Cr Mackay thanked the elected members and staff in anticipation of his upcoming resignation for the 2024 Territory Election.

14.03 Cr Salter, in anticipation of his upcoming resignation for the 2024 Territory Election, expressed pleasure in being on the Council and wished Cr Mackay all the best.

15. CONFIDENTIAL ITEMS

Moved: Cr Mackay
Seconded: Cr Sharp

THAT Pursuant to Section 99 (2) of the *Local Government Act* and Regulation 51(1) of the *Local Government (General) Regulations 2019* the meeting be closed to the public to consider the following Confidential Items:

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

15.02 Rating of Mining Tenements – Review

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

15.03 Composition of the Litchfield Municipal Council Risk Management and Audit Committee

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.

15.04 Rating Anomaly

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.

15.05 Non Conforming Petition Received

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.

15.06 Holtze – Place Names (Tranche 1)

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

15.07 Development Permit Issued – Mira Road South

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)(ii) information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.

15.08 (Late Item) Freds Pass Reserve Grant Funding

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

CARRIED (7-0) ORD2024 11-162

The meeting moved to Confidential Session at 7.14pm.

Moved: Cr Mackay

Seconded: Cr Sharp

THAT pursuant to Section 93(2) of the *Local Government Act 2019* and Regulation 51 of the *Local Government (General) Regulations 2021* the meeting be re-opened to the public.

CARRIED (7-0) ORD2022 11-170

The meeting moved to Open Session of the meeting at 8:25pm.

Items moved from Confidential:

15.05 Non-Conforming Petition Received

Moved: Cr Sidey

Seconded: Deputy Mayor Harlan

THAT Council:

1. Note the non-conforming petition;
2. Requests Chief Executive Officer, or delegate, to respond to petition organisers, advising that the petition has been tabled and reviewed and communicating that the council has already made concessions relating to the Special Rates Levy and that Council now considers the matter closed; and
3. Make this resolution public.

CARRIED (6-1) ORD2024 11-166

15.06 Holtze Place Names – Tranche 1

Moved: Cr Mackay

Seconded: Deputy Mayor Harlan

THAT Council:

1. Support the proposed place names as listed below and detailed in Attachment A;

| | | | |
|-----------|------------|------------|---------------|
| Amyema | Bushtea | Capparis | Dambilinggwa* |
| Dawnirra* | Kino | Eulalia | Emuberry |
| Greenant | Lalwa* | Moedoelma* | Plumbush |
| Salsola | Termitaria | Viscosa | Whiteclay |
| Wingan* | | | |

Note: * indicates Larrakia Language word – Provided by LDC

Commemorative Place Name request for **Dr. John Hargrave**
Commemorative Place Name request for **Dr. Ella Stack**
Commemorative Place Name request for **Dr. Trevor Cutter**

2. Provide a letter of support to Place Names NT and Tatam Planning Co. endorsing the proposed names; and
3. make public this resolution.

CARRIED (7-0) ORD2024 11-167

Disclosure of Interest: Cr Wright and Cr Sharp disclosed a conflict of interest in 15.07 Development Permit Issued – Mira Road South as members of the DCA and agreed to leave the meeting whilst item was being considered.

15.07 Development Permit Issued – Mira Road South

Moved: Cr Mackay
Seconded: Deputy Mayor Harlan

THAT Council;

1. In relation to DP24/0115, Section 00618 Hundred of Cavenagh (160 Mira Road South, Darwin River) support a firm stance in relation to the conditions of the development permit particularly in regard to crossovers and driveways and the status of the current unmaintained road;
2. Endorse correspondence included in Attachment A addressed to the Chair of the Development Consent Authority detailing Council's disappointment in the proceedings of the DCA hearing and subsequent outcome and issued permit, subject to minor editorial amendments;
3. Support the commencement of establishing a suite of policies and supporting procedures in regard to Council's road assets inclusive of seeking legal advice;
4. Support a staged approach to review and update the Litchfield Council Development Standards in harmonisation with the NT Subdivision and Development Guidelines to provide sufficient basis for Council staff to refer to; and
5. make public this resolution

CARRIED (5-0) ORD2024 11-168

17. CLOSE OF MEETING

The Chair closed the meeting at 8:25pm

18. NEXT MEETING

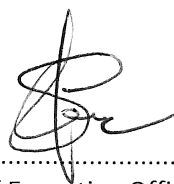
Tuesday 20 August 2024

MINUTES TO BE CONFIRMED

Tuesday 20 August 2024



Mayor
Doug Barden



Chief Executive Officer
Stephen Hoyne