



COUNCIL MINUTES

LITCHFIELD COUNCIL MEETING

Minutes of Ordinary Meeting

held in the Council Chambers, Litchfield

Tuesday 18 June 2024 at 6:00pm

Present	Doug Barden Kevin Harlan Andrew Mackay Mathew Salter Mark Sidey	Mayor (Chair) Deputy Mayor, Councillor Central Ward Councillor Central Ward Councillor North Ward Councillor South Ward
Staff	Stephen Hoyne Rodney Jessup Maxie Smith Jill Enriquez Rebecca Taylor	Chief Executive Officer Director Infrastructure and Operations Director Corporate and Community Acting Community Participation Officer 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 6.01pm

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.

3. ELECTRONIC ATTENDANCE / APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

Moved: Deputy Mayor Harlan
Seconded: Cr Sidey

THAT Council accept apologies from Cr Wright and Cr Sharp.

CARRIED (5/0) ORD2024 11-119

3.2 Leave of Absence Previously Granted

Nil.

3.3 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

Nil.

4.2 Staff

Chief Executive Officer, Stephen Hoyne, declared an interest at 15.04 of the Confidential Agenda.

5. PUBLIC QUESTIONS

Barry Moriarty raised the following concerns and questions in person during the June Ordinary Council Meeting.

Mr Moriarty disagrees with Council's response in relation to community consultation for the Southport Road Seal Levy.

Mr Moriarty stated community consultation was non-existent and asked the following questions in relation to community consultation; when? where? who attend? and what was discussed? How do I get an answer to that?

Mr Moriarty stated Council need to show workings on how the road seal levy is calculated and that the calculation should have been set three years ago.

Mr Moriarty listed a number of properties that should not have been charged and asked about other properties that have not been charged.

Response:

Council advised Mr Moriarty to provide the addresses of the properties referred to in an email and that the basis for how the road seal levy is calculated, would be discussed at item 13.02.02 of the Council agenda.

Marcus Schmidt raised the following concerns and questions in person during the June Ordinary Council Meeting.

Mr Schmidt stated that it seems unlikely that Council has correctly followed procedures in the Local Government Act in relation to Special Rates.

Mr Schmidt felt that the calculation of the Road Seal Levy had not been explained and that the purpose had not been explained, considering the roads were sealed under grant funding.

6. CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

Moved: Cr Mackay
Seconded: Deputy Mayor Harlan

THAT Council confirms the:

- Ordinary Council Meeting held Tuesday 21 May 2024, 13 pages; and
- Ordinary Confidential Council Meeting held Tuesday 21 May 2024, 2 pages.

CARRIED (5/0) ORD2024 11-120

6.2 Council Action Sheet / Business Arising from Previous Meetings

Moved: Cr Salter
Seconded: Deputy Mayor Harlan

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

CARRIED (5/0) ORD2024 11-121

7. PETITIONS

Nil.

8. DEPUTATIONS AND PRESENTATIONS

Nil.

9. ACCEPTING OR DECLINING LATE ITEMS

Nil.

ORDER OF BUSINESS

Moved: Deputy Mayor Harlan

Seconded: Cr Mackay

THAT Items 13.02.02, 13.02.03 and 13.02.04 be brought forward for consideration.

CARRIED (5/0) ORD2024 11-122

13. OFFICERS' REPORTS

13.02 Executive and Community Development

13.02.02 Special Resolution and Declaration of Rates and Charges 2024/2025

THAT Council by special resolution:

in accordance with Section 238 of the *Local Government Act 2019*, a special rate of \$5,641 per property, as detailed in Attachment B, is declared for the financial year ending 30 June 2025. This rate will be payable over a two-year period, as indicated in the Declaration of Rates and Charges 2024/2025, which is attached to this report at Attachment B.

THAT Council:

1. receive and note the Chief Executive Officer's certification of the Assessment Record in line with Section 29 *Local Government (General) Regulations 2021* as at Attachment A to this report; and
2. pursuant to Section 237 of the *Local Government Act 2019*, declare rates and charges for the financial year ending 30 June 2025 as noted in the Declaration of Rates and Charges 2024/2025 as at Attachment B to this report.
3. pursuant to Section 241 of the *Local Government Act 2019*, publish the Declaration of Rates and Charges for 2024-2025 on Council's website and in the newspaper circulating generally in the area.

AMENDMENT

Moved: Mayor Barden
Seconded: Deputy Mayor Harlan

THAT Council by special resolution:

1. in accordance with Section 238 of the *Local Government Act 2019*, a special rate of \$3801.79 per property, as detailed in Attachment B, is declared for the financial year ending 30 June 2025. This rate will be payable over a two-year period, as indicated in the Declaration of Rates and Charges 2024/2025, which is attached to this report at Attachment B; and
2. approve the Chief Executive Officer to remove the words “Area described in paragraph vi below” and the brackets around “subject area” in section F of Attachment B.

CARRIED (4/1) ORD2024 11-123

A Division was called

Those voting in the affirmation Mayor Barden, Deputy Mayor Harlan, Cr Mackay and Cr Sidey

Those voting in the negative Cr Salter

CARRIED (4/1)

CARRIED (4-1) ORD2024 11-124

13.02.02 Special Resolution and Declaration of Rates and Charges 2024/2025 (continued)

Moved: Cr Mackay
Seconded: Cr Sidey

THAT Council:

1. receive and note the Chief Executive Officer’s certification of the Assessment Record in line with Section 29 *Local Government (General) Regulations 2021* as at Attachment A to this report; and
2. pursuant to Section 237 of the *Local Government Act 2019*, declare rates and charges for the financial year ending 30 June 2025 as noted in the Declaration of Rates and Charges 2024/2025 as at Attachment B to this report.
3. pursuant to Section 241 of the *Local Government Act 2019*, publish the Declaration of Rates and Charges for 2024-2025 on Council’s website and in the newspaper circulating generally in the area.

CARRIED (5/0) ORD2024 11-125

13.02.03 Proposed Fees and Charges 2024/2025

Moved: Cr Salter

Seconded: Deputy Mayor Harlan

THAT Council:

1. adopt the Litchfield Council Fees and Charges for 2024/2025 as at Attachment A to this report;
2. adopt the Thorak Regional Cemetery Fees and Charges for 2024/2025 as at Attachment B to this report; and
3. approve the CEO to make minor editorial changes.

CARRIED (5/0) ORD2024 11-126

13.02.04 Draft Municipal Plan 2024-25 and Draft Financial Management Strategy and Long Term Financial Plan and 2024-25 to 2033-34

Moved: Deputy Mayor Harlan

Seconded: Cr Sidey

THAT Council:

1. note submissions received for the Draft Municipal Plan 2024-2025 and Draft Financial Management Strategy and Long Term Financial Plan 2024-2025 to 2033-2034 and thank all residents for their input;
2. approve amendments to the Draft Municipal Plan 2024-2025 and Draft Financial Management Strategy and Long Term Financial Plan 2024-2025 to 2033-2034 as listed in Attachment A to this report;
3. authorise the Chief Executive Officer to make necessary editorial changes to the Municipal Plan 2024-2025 and Financial Management Strategy and Long Term Financial Plan 2024-2025 to 2033-2034 if required;
4. adopt the 2024-2025 budget as per Section 203 of the *Local Government Act 2019*; and
5. adopt the Municipal Plan 2024-2025, as at Attachment C, as per Section 35(1) of the *Local Government Act 2019* and Financial Management Strategy and Long Term Financial Plan 2024-2025 to 2033-2034, as at Attachment D; and
6. set aside any surplus/deficit from the 2023-2024 financial year into the Waste Management Reserve, Thorak Regional Cemetery Reserve, and Asset Reserve, respectively.

CARRIED (4/1) ORD2024 11-127

10 NOTICES OF MOTION

Moved: Cr Sidey
Seconded: Deputy Mayor Harlan

Item 10.01 Notice of Motion – Composition of the Litchfield Municipal Council Risk Management and Audit Committee

(Item Being discussed under Confidential – refer to Item 15.06)

CARRIED (5/0) ORD2024 11-128

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 21 May 2024 to 18 June 2024.

CARRIED (5/0) ORD2024 11-129

12 REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

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

13 OFFICERS' REPORTS

13.02 Corporate and Community

13.01.01 Litchfield Council Finance Report – May 2024

Moved: Deputy Mayor Harlan
Seconded: Cr Mackay

THAT Council note the Litchfield Council Finance Report for May 2024.

CARRIED (5/0) ORD2024 11-130

13.01.02 People, Performance and Governance Report – May 2024

Moved: Cr Salter
Seconded: Deputy Mayor Harlan

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

CARRIED (5/0) ORD2024 11-131

13.01.03 Draft FIN08 Risk Management Policy

Moved: Cr Mackay

Seconded: Cr Sidey

THAT Council:

1. adopts draft FIN08 Risk Management Policy, as at Attachment A; and
2. authorises the Chief Executive Officer to make minor editorial changes.

CARRIED (5/0) ORD2024 11-132

13.01.04 Risk Management Audit Committee Open Minutes – 30 May 2024

Moved: Cr Sidey

Seconded: Deputy Mayor Harlan

THAT Council receive and note the Risk Management Audit Committee unconfirmed open minutes from 30 May 2024 meeting, as at Attachment A.

CARRIED (5/0) ORD2024 11-133

13.01.05 Local Government Immediate Priority Grant 2022-23 Acquittal

Moved: Deputy Mayor Harlan

Seconded: Cr Mackay

THAT Council receive and note the Local Government Priority Grant 2022-23 Acquittals.

CARRIED (5/0) ORD2024 11-134

13.03 Executive and Community Development

13.02.01 Community Services and Development Monthly Report May 2024

Moved: Cr Mackay

Seconded: Deputy Mayor Harlan

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

CARRIED (5/0) ORD2024 11-135

13.02.05 Council Member's Professional Development Activity

Moved: Cr Sidey
Seconded: Deputy Mayor Harlan

THAT Council approve Council Members' use of available Professional Development Allowances to complete the Australian Institute of Company Directors – Company Directors Course.

CARRIED (5/0) ORD2024 11-136

13.02.06 Breach of Code of Conduct Complaint – 5 March 2024 – Decision

Moved: Cr Sidey
Seconded: Deputy Mayor Harlan

THAT Council receive and note the Breach of Code of Conduct Complaint – 5 March 2024 – Decision Notice, as at Attachment A.

CARRIED (5/0) ORD2024 11-137

13.03 Infrastructure and Operations

13.03.01 Summary Planning and Development Report May 2024

Moved: Deputy Mayor Harlan
Seconded: Cr Sidey

THAT Council:

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

CARRIED (5/0) ORD2024 11-138

14. OTHER BUSINESS

14.1 Cr Sidey would like to note that;

- a) the waste amnesty, as identified under the Strategic Projects - Clean-up activity in the Municipal Plan 2024-2025, be treated as a priority.
- b) The new safety measures at the Waste Transfer Stations, although mandated by the regulator, are causing significant challenges operationally for residents and may need to be reviewed.
- c) It has been some time since Council considered curb side collection and it may be time to reassess, especially with Holtze and Kowandi coming online.

15. CONFIDENTIAL ITEMS

Moved: Cr Mackay
Seconded: Deputy Mayor Harlan

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 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 Confidential Minutes RMAC

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 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*.

8(f) subject to subregulation (2) - information in relation to a complaint of a contravention of the code of conduct.

15.04 Increase to Budget Review Two: Vehicle Budget

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

15.05 Awarding of Contract RFT24-431 Meade Road Upgrade

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.

15.06 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.

CARRIED (5/0) ORD2024 11-139

Jill Enriquez left the meeting at 7.13pm

The meeting moved to Confidential Session at 7.13pm.

Moved: Cr Mackay

Seconded: Deputy Mayor Harlan

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 (4/0) ORD2024 11-140

The meeting moved to Open Session at 8.15pm.

17. CLOSE OF MEETING


The Chair closed the meeting at 8:16pm.

18. NEXT MEETING

Tuesday 16 July 2024.

MINUTES TO BE CONFIRMED

Tuesday 20 August 2024.


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Mayor
Doug Barden


.....
Chief Executive Officer
Stephen Hoyne