



Victoria Daly
REGIONAL COUNCIL

MINUTES

**ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY 31 JANUARY 2023
AT 9:00 AM
AT THE REGIONAL OFFICE - KATHERINE
18 Pearce Street, Katherine NT 0850**



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A handwritten signature in black ink, appearing to be 'Brian Hylands', written in a cursive style.

Brian Hylands
Chief Executive Officer



The meeting opened the time being 09:09am.

1. PRESENT

Elected Members Present

Mayor (Chair)	Brian Pedwell
Deputy Mayor	Andrew McTaggart
Councillor	Shirley Garlett
Councillor	Yvette Williams (<i>via Microsoft Teams</i>)
Councillor	Georgina Macleod

Staff Present

Chief Executive Officer	Brian Hylands
Manager of Executive Services	Michelle Griffin (minute taker)
Director of Corporate Services	Trudy Braun
Director of Council Operations	Matthew Cheminant
Regional Manager Operations	Jocelyn Moir
Council Operations Manager Nauiyu	Pat Hollowood
Council Operations Manager Pine Creek	Tanya Brown
Council Operations Manager Timber Creek	Paul Buckley
Council Operations Manager Kalkarindji	Allen Hawke

2. APOLOGIES

Nil

3. PRESENTATIONS - DEPUTATIONS - PETITIONS

Nil

4. DISCLOSURE OF INTEREST - COUNCILLORS AND STAFF

There were no disclosures of interest at this meeting.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 13 December 2022

OCM-2023/1 Resolution: Carried (Cr Macleod/Cr Williams)

That the minutes of the Ordinary Council Meeting held on 13 December 2022 be taken as read and be accepted as a true record of the meeting.



OCM-2023/2 Resolution: Carried (Cr Georgina Macleod/Deputy Mayor Andrew McTaggart)

Councillor Macleod moves a motion to rescind the resolution regarding Councillor Garlett's absence and Council accepts her apology which was received by email to Mayor Pedwell.

5.2 Special Council Meeting held on 20 December 2022

OCM-2023/3 Resolution: Carried (Cr Macleod/Cr Williams)

That the minutes of the Special Council Meeting held on 20 December 2022 be taken as read and be accepted as a true record of the meeting.

6. CALL FOR ITEMS OF GENERAL BUSINESS

1. Australia Post contractual arrangements.
2. Flood notification system/alert for Timber Creek and Watch Creek
3. Rubbish collection (remote housing)
4. Maintenance of verges North and South
5. Charging stations for electric vehicles (Pine Creek)
6. Lot 2 Wooliana Road
7. Invitation to EPA to attend VDRC local authority meetings.

7. MAYORAL REPORT

- Timber Creek floods during the Christmas break. Travelled to Timber Creek with the CEO to assess after flooding. Spent a week at Timber Creek during the recovery.
- Recommendation that Daniel Jones received a bravery award as he assisted in the evacuations from the Myatt community.
- Recommendation that Grahame Watts receive a bravery award (plus truck driver) for aiding in the rescue of Timber Creek resident Jan Star.
- Letter sent to relevant Ministers highlighting concerns such as lack of water and insufficient infrastructure.
- Thank you to VDRC staff, led by Paul Buckley, Leanne Buckley and Patricia McGilivray who worked over this period long after the communities that were displaced.
- Thank you to Lorraine Jones who volunteered to work alongside the Department of the Chief Minister and Cabinet.

MEETINGS ATTENDED:

- Meeting with Mayor Tony Jack and Marc Gardener (RGRC), along with LGANT president Lord Mayor Kon Vatskalis and CEO Sean Holden.
- Meeting with Maree DeLacey and other regional councils regarding Local Government Local Authority Review Implementation.

Councillor Garlett joined the meeting, the time being 09:29am.



OCM-2023/5 Resolution: Carried (Cr Macleod/Deputy Mayor McTaggart)

That the Mayoral report is received and noted.

OCM-2023/4 Resolution: Carried (Cr Garlett/Deputy Mayor McTaggart)

That Council recommend Daniel Jones and Graham Watts receive a bravery award for their commitment to ensuring community safety during the Timber Creek floods in December 2022.

OCM-2023/6 Resolution: Carried (Mayor Pedwell/Cr Garlett)

That Council request a Timber Creek community safety debrief by all services/agencies following the Timber Creek floods in December 2022.

OCM-2023/7 Resolution: Carried (Cr Macleod/Deputy Mayor McTaggart)

That Council write a letter of appreciation to all staff members who were involved in ensuring community safety throughout the flood event in Timber Creek.

8. CEO UPDATE

8.1. CEO Report

OCM-2023/8 Resolution: Carried (Cr Macleod/Cr Garlett)

That the CEO report be received and noted.

9. REPORTS TO COUNCIL

9.1. REPORTS FOR COUNCIL DECISION

9.1.1 Finance Committee

The meeting adjourned at 10:09am for long service award presentation followed by morning tea.

The meeting resumed, the time being 10:51am.

OCM-2023/9 Resolution: Carried (Deputy Mayor McTaggart/Cr Garlett)

- A. That the Finance Committee report is received and noted
- B. Council approves to abolish the Finance Committee

9.1.2 Cleaning Position



OCM-2023/10 Resolution: Carried (Cr Macleod/Deputy Mayor McTaggart)

- A. That the Cleaning Position report is received and noted
- B. That Council approves a position of part time cleaner, 25hrs per week, Regional Office Katherine

9.2. REPORTS FOR INFORMATION

9.2.1 Financial Report year to date 31st December 2022

OCM-2023/11 Resolution: Carried (Deputy Mayor McTaggart/Cr Williams)

That the report Financial Report year to date 31st December 2022 is received and noted.

10. ACTION SHEET

OCM-2023/12 Resolution: Carried (Cr Garlett/Deputy Mayor McTaggart)

- A. That the Action Items report is received and noted
- B. That council approve completed actions be removed from the action item list.

OCM-2023/13 Resolution: Carried (Mayor Pedwell/Cr Garlett)

That council approve to sell the dingo digger (asset number **20324**)

11. CORRESPONDENCE

OCM-2023/14 Resolution: Carried (Deputy Mayor McTaggart/Cr Garlett)

That the Correspondence register is received and noted

*The meeting adjourned for lunch, the time being 12:15pm.
The meeting resumed, the time being 1:02pm.*

12. GENERAL BUSINESS

12.1 Australia Post contractual arrangements

OCM-2023/15 Resolution: Carried (Deputy Mayor McTaggart/Cr Williams)

Councillor Macleod to table at LGANT an item regarding costs to Council associated with Australia Post customer service delivery.



12.2 Flood notification system/alert for Timber Creek and Watch Creek

Action item: Letter to DIPL regarding resolution **OCM-2023/16**

OCM-2023/16 Resolution: Carried (Cr Garlett/Deputy Mayor McTaggart)

Councillor Macleod to table at LGANT an item regarding flood early warning system for Timber Creek and Watch Creek.

12.3 Rubbish collection (remote housing)

Action: paper to February council meeting.

12.4 Maintenance of verges North and South - Follow up with DIPL

Action: Director of Operations to contact DIPL via email regarding council's concerns about community safety with the unkept growth on Main Terrace (North and South) in Pine Creek.

12.5 Charging stations for electric vehicles (Pine Creek)

Discussion took place regarding grant opportunities for electric vehicle charging station. Following discussions it was decided that perhaps private enterprise businesses would be better suited to applying for such grants.

12.6 Dheran Young Lot 2 Wooliana Road

OCM-2023/17 Resolution: Carried (Deputy Mayor McTaggart/Mayor Pedwell)

Letter to Minister for Local Government (cc Dheran Young and the Chief Minister) regarding Lot 2, Wooliana Road as a potential future site for waste management.

12.7 Invitation to EPA to attend VDRC local authority meetings

OCM-2023/18 Resolution: Carried (Cr Williams/Deputy Mayor McTaggart)

Council invites the Environmental Protection Agency (Cc Minister Moss) to all VDRC local authority meetings to explain their policies regarding landfill and penalties for illegal dumping.

12.8 LGANT Executive Meeting

OCM-2023/19 Resolution: Carried (Cr Garlett/Deputy Mayor McTaggart)

That Councillor Macleod attends the LGANT executive meeting in Darwin on 21 February 2023.



13. CONFIDENTIAL

OCM-2023/20 Resolution: Carried (Cr Macleod/Cr Garlett)

That pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1)(a) of the *Local Government (General) Regulations 2021* the meeting be closed to the public to consider the Confidential items of the Agenda.

13.1. Minutes of the Confidential Ordinary Meeting held on 13 December 2022

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1)(c)(iv) of the *Local Government (General) Regulations 2021*, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, Information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person

13.2. Minutes of the Special Confidential Ordinary Council Meeting held on 20 December 2022

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1)(c)(iv) of the *Local Government (General) Regulations 2021*, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, Information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person

13.3. Register of Confidential Resolution - Review List

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and section 51(1)(c)(iv) of the *Local Government (General) Regulations 2021*, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, Information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person

OCMC-2023/3 Resolution: Carried (Deputy Mayor McTaggart/Cr Macleod)

- A. That the Register of Confidential Resolution - Review List is received and noted
- B. The following confidential resolutions to be released to the public;

- OCMC-2022/24
- OCMC-2022/25
- OCMC-2022/28
- OCMC-2022/29
- OCMC-2022/30
- OCMC-2022/31
- OCMC-2022/32
- OCMC-2022/34



- OCMC-2022/35
- OCMC-2022/36
- OCMC-2022/37
- OCMC-2022/38
- OCMC-2022/39
- OCMC-2022/40
- OCMC-2022/41
- OCMC-2022/43
- OCMC-2022/44
- OCMC-2022/45
- OCMC-2022/48
- OCMC-2022/50
- OCMC-2022/51
- OCMC-2022/53
- OCMC-2022/54
- OCMC-2022/56
- OCMC-2022/60
- OCMC-2022/61
- OCMC-2022/62
- OCMC-2022/63
- OCMC-2022/67
- OCMC-2022/68
- OCMC-2022/69
- OCMC-2022/70
- OCMC-2022/71
- OCMC-2022/72
- OCMC-2022/73
- OCMC-2022/74

OCMC-2022/24

- A. That the report Affixing of Common Seal to Contract of Sale for 4 Fitzer Road, Timber Creek is received and noted
- B. That Council approves affixing the Common Seal to the Contract of Sale for 4 Fitzer Road, Timber Creek (Lot 101, Town of Timber Creek)

OCMC-2022/25

- A. That the report Proposed New Council Office Building is received and noted
- B. The Council approves the purchase of a preowned demountable office complex to the value of less than \$1 million with funds in the 2022 / 2023 budget.

OCMC-2022/28

- A. That the report Council Policies CEO approved is received and noted
- B. The following policies are endorsed by the council *FIN001, FIN002, FIN003, FIN004, FIN005, FIN006, FIN007, FIN008, FIN010, FIN011, FIN012
- C. All Credit Card Transactions be tabled at the audit committee.

OCMC-2022/29

- A. That the report Confidential Review List is received and noted



- B. The following item numbers Council have approved by resolution to release the motions only. 11, 15, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 44, 45, 46, 47, 50, 51,52

OCMC-2022/30

- A. That the report Request to update service delivery is received and noted
- B. That Council approves the recommendation to remove the tick against the cemetery for Kalkarindji and Nauiyu in the Regional Plan 2022-23
- C. That Council approves recommendation to add a tick against cemetery for Timber Creek in the Regional Plan 2022-23

OCMC-2022/31

- A. That the report Delegation for CEO to write off debt is received and noted
- B. Council approves in retrospect the \$200 fee to be written off for the sale of 4 Fitzer Road to go through.
- C. Council approve Delegation Manual 2021-2025 to be amended so that the CEO has financial delegation to write off debt to the value of \$500.
- D. Any write-off debt is to be reported back to the Audit Committee

OCMC-2022/32

- A. That the report Amanbidji External Requests is received and noted
- B. (Amended 25/10/22 OCMC-2022/57) The house be gifted to the owner of the land - Nagurunguru Community Store Aboriginal Corporation (NCSAC), it is in the interest of the public for staffing purposes.
- C. As CDP is currently under review, no agreements can be made at this time.
- D. Preparing meals for age care clients - maybe considered on a contract basis.

OCMC-2022/34

- A. That the Nauiyu River Pump correspondence is received and noted
- B. That council renews the water extraction licence at Nauiyu (Licence 814147)

OCMC-2022/35

- A. That the report Council Policies CEO Approved is received and noted
- B. The following policies are endorsed by the council HR001, HR002, HR003, HR004, HR005, HR006, HR007&7a, HR008, HR009, HR010, HR011, HR012, HR013, HR014, HR015, HR016, HR017, HR019, HR020, HR021, HR022, HR023, HR024

OCMC-2022/36

- A. That the report Progress Report on Grant Applications is received and noted.

OCMC-2022/37

- A. That the report Certification of Local Authority Project Funding for the period ending 30 June 2022 is received and noted
- B. That Council notes the certification of Local Authority Project Funding for the period ending 30 June 2022

OCMC-2022/38

- A. That the report Acquittal of One-Off Grant 2021-22 Timber Creek Waste Management Facility is received and noted
- B. That Council notes the acquittal of the One-Off Grant received to construct a waste transfer station at Timber Creek

OCMC-2022/39

- A. That the report Acquittal of Waste and Resource Management grant received to undertake feasibility study for waste management is received and noted



- B. That Council notes the acquittal of the Waste and Resource Management (WaRM) grant received to undertake a feasibility study for waste management in the Victoria Daly region.

OCMC-2022/40

- A. That the report Acquittal of Local Government Priority Infrastructure Fund Grant 2020-2021 is received and noted
- B. Local Government Priority Infrastructure Fund grant awarded to Council to contribute toward the demolition and replacement of beyond repair staff housing at lot 55 Yarralin.

OCMC-2022/41

- A. That the report Acquittal of Waste and Resource Management (WaRM) grant 2021-2022 is received and noted
- B. That Council notes the acquittal of the Waste and Resource Management (WaRM) grant awarded to Council to contribute toward the construction of a waste transfer station at Pine Creek.

OCMC-2022/43

- A. That the report By-Laws is received and noted

AMENDMENT

- B. That Mayor Pedwell writes to Minister Paech on behalf of Council and residents of Pine Creek and Timber Creek seeking that the repeal by-laws proceed recognising the steps taken so far.

OCMC-2022/44

- A. That the report CEO's Contract is received and noted

AMENDMENT

- B. That Council approves the extension of Russell Andersons employment contract until 30 December 2022 or until a successful applicant is appointed to the position of CEO and a period of one month handover has taken place.

OCMC-2022/45

- A. That the report Appointment of new Chief Executive Officer is received and noted
- B. Council approves by resolution the agreed remuneration package for the CEO position from the meeting of the 26 July 2022.
- C. Council approves for the panel, Mayor Brian Pedwell, Deputy Mayor Andrew McTaggart, Councillor Yvette Williams, Councillor Shirley Garlett, Councillor Georgina Macleod and Amanda Haigh as the independent panel member for the CEO recruitment process.
- D. Council approves amendments to Policy LGP010 with policy to include leave entitlements.
- E. CEO R Anderson to research incoming CEO Contract and KPI's
- F. CEO contract for a term of two years, including 6-month probation. Contract is renewable by Council resolution.
- G. CEO is to be physically located in Katherine NT

OCMC-2022/48

- A. That the CDP report is received and noted
- B. That Council approved the attached Deed of variation NO. 3 to Project Schedule – Community Development Program 2019-2023. Common Seal to be added on approval.

OCMC-2022/50

- A. That the report Lot 58 Bulla Community is received and noted
- B. That Council approves further investigation into the offer made by NIAA.



OCMC-2022/51

- A. That the report Aerodrome Contract Nauiyu for the period of 36 months is received and noted
- B. The council accepts and endorses the Nauiyu aerodrome contract for the period of 36 months commencing from 01 November 2022 to 31 October 2025
- C. The council agrees to extend the validity period of the existing contract from 30 October to 7 November 2022 allowing DIPL to process the new contract.

OCMC-2022/53

- A. That the report Progress Report on Grant Applications is received and noted

OCMC-2022/54

- A. That the 2 Heron Crescent report is received and noted

OCMC-2022/56

- A. That the liquor commission be advised that as of 30 November 2022 Victoria Daly Regional Council (referred to as Shire in the license) will no longer require the liquor license for the Warnkurr Club at Kalkarindji; and
- B. That the Gurindji Corporation be advised at the same time; and
- C. That Gurindji Corporation be advised that they need to obtain their own license.

OCMC-2022/60

- A. That the report RSAS Yarralin - Annexure A - 4-GIAQU42 is received and noted
- B. That Council approves the draft Annexure for project ID 4-GIAQU42 RSAS Yarralin and approves signing of the final copy.

OCMC-2022/61

- A. That the report Policies to be removed from Policy Register is received and noted
- B. Approves the removal of the following policies from the policy register.
 - 1.1.24 Security – Personnel and assets
 - 1.10 Statutory Delegations
 - 3.1.01 Introduction to Accounting
 - 4.1.05 Availability of Services
 - 4.1.03 Animal Health
 - 4.1.01 Agency agreements

OCMC-2022/62

- A. That the report Progress Report on Grant Applications is received and noted

OCMC-2022/63

- A. That Council approves the sale of 2 Heron Crescent Katherine for \$570,000 and approves that the common seal be affixed to the contract of sale.

OCMC-2022/67

- A. That the report Australia Day Citizen of the Year Award Nominations is received and noted
- B. That Council nominates a recipient of Citizen of the Year and Community Event of the Year Australia Day awards for the communities of Kalkarindji, Pine Creek and Timber Creek.
- C. Pine Creek, Citizen Christopher Rankine-Johnson
- D. Timber Creek Young Citizen Coralie Myers (check age restrictions)
- E. Timber Creek Citizen Jan Starr
- F. Timber Creek Community Event Wirib Community Christmas Party 2022



OCMC-2022/68

- A. That the report is received and noted
- B. That Council cannot make a decision regarding the club operations until Alpa provides VDRC with a full financial audit and full stock take. VDRC to engage an independent auditor to review and report back to VDRC as per VDRC legal advice.

OCMC-2022/69

- A. That the report Remote Sport Program - Annual Funding Offer is received and noted
- B. That Council approves affixing of the Common Seal to the 2022-2024 Remote Sport Program Funding Agreement (RSP00021) offered by the Northern Territory Government

OCMC-2022/70

- A. That the report Audit and Risk Committee Minutes Unconfirmed 28 November 2022 is received and noted
- B. Council will formally write to Lowry's addressing the three points raised in the Management Letter dated 3 November 2022.

OCMC-2022/71

- A. That the report Audit and Risk Committee Minutes 30 March 2022 is received and noted

OCMC-2022/72

- A. That the report Audit and Risk Committee Minutes Provisional 30 May 2022 is received and noted

OCMC-2022/73

- A. That the report Audit and Risk Committee Minutes Special 8 November 2022 is received and noted

OCMC-2022/74

- A. That the report Progress Report on Grant Applications is received and noted

13.4. By-Laws Submission Review

Status 51(1)(e) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(e) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, 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.

13.5. Rates and Waste Charges Request (reclassification of property number 701477)

Status 51(1)(b) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(b) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information about the personal circumstances of a resident or ratepayer.

13.6. Rates request - property 701489



Status 51(1)(b) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(b) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information about the personal circumstances of a resident or ratepayer.

13.7. Warnkurr Club

Status 51(1)(c)(i) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(c)(i) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to: cause commercial prejudice to, or confer an unfair commercial advantage on, any person

13.8. Progress Report on Grant Applications

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(c)(iv) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person

13.9. Australia Post Contractual Information

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(c)(iv) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person

14. NEXT MEETING

The next Ordinary Council meeting will be held on Tuesday, 28 February 2023.

This page and the preceding thirteen (13) pages are the minutes of the Ordinary Council Meeting held on Tuesday, 31 January 2023.

Mayor Brian Pedwell