

# ORDINARY COUNCIL MEETING 29 JULY 2021



## NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 5PM.

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Cathy Winsley - CEO

# AGENDA

## SPECIAL COUNCIL MEETING

### 29 JULY 2021

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## 1 OPEN MEETING

The meeting will be declared open at 5:00PM.

## 2 APOLOGIES AND LEAVE OF ABSENCE

**Report Number** 2.1.5.21  
**Author** Cathy Winsley - CEO  
**Attachments** Nil

### Summary

This report is to table, for Council's record, any apologies, and requests for leave of absence received from Elected Members for this or future Ordinary General Meetings.

### Background

Not applicable.

### Comment

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absence without notice.

### Statutory Environment

As per the *Local Government Act 2019* s.47 a person ceases to hold office as a member of a Council if the person is absent, without permission of the council in accordance with the regulations, from 2 consecutive ordinary meetings of the Council.

### Financial Implications

Not applicable.

### Recommendation

***That Council accepts the apology of Cr \_\_\_\_\_ for the Ordinary Council 26 July 2021. The Council notes the absence without apology of Cr \_\_\_\_\_.***

***Moved:***

***Seconded:***

### 3 DECLARATION OF INTEREST

<b>Report Number</b>	<b>3.1.5.21</b>
<b>Author</b>	<b>Cathy Winsley - CEO</b>
<b>Attachments</b>	<b>NIL</b>

#### Summary

Elected members and staff are required to declare any conflicts of interest arising from the matters contained in this agenda.

#### Background

**Elected Members** are required to disclose an interest in a matter under consideration by Council at a meeting of the Council or a meeting of a Council committee by:

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the Council by disclosure as soon as possible after the matter is raised.
- 2) In the case of a matter raised in general debate or by any means other than the printed agenda of the Council by disclosure as soon as possible after the matter is raised.

The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting him/ her to leave the Chambers.

**Staff Members** of the Council are required to disclose an interest in a matter at any time at which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure the Staff Member is not to act or exercise his or her delegated authority unless the CEO or Acting CEO expressly directs him or her to do so.

#### Comment

NIL

#### Statutory Environment

- *Local Government Act 2019* Section 114 (Elected Members).
- *Local Government Act 2019* Section 179 (Staff Members)

#### Policy Implications

Conflict of Interest – Code of Conduct.

#### Financial Implications

Not applicable.

#### Recommendation

***That Council receives and notes the declarations of interest for the Ordinary General Meeting 26 July 2021.***

**Moved:**

**Seconded:**

## 4 CEO REPORTS

### 4.1 Waste and Resource Management (WaRM) Grant

<b>Report Number</b>	<b>7.1.9.20</b>
<b>Author</b>	<b>Cathy Winsley - CEO</b>
<b>Attachments</b>	<b>Letter from DCMC</b>

#### Background

The Waste and Resource Management grant was discussed with the Council on the 28<sup>th</sup> May 2021 (item 7.2). The Department of Chief Minister and Cabinet requires formal consent from the Council to accept the grant.

#### Comment

On the 25<sup>th</sup> May the CEO received a letter from the Minister for Local Government Chansey Paech MLA advising that Belyuen will receive a grant of \$75,000 to help address waste management issues. The grant guidelines indicate that the grant can be used for:

- Establishment of a Waste Data Management System to enable the collection, monitoring and reporting of data related to waste transfer stations and landfills managed by council.
- Expenditure related to lease negotiations relevant to use of land for waste management sites; including the negotiation of section 19 leases for waste management sites.
- Infrastructure development as appropriate at waste management sites such as construction of access gatehouses, segregation bays, cages for aggregation of recyclable material, concreting receiving areas and fencing etc.
- Plant and machinery acquisition for use in the collection, sorting and management of waste at established waste management sites in regional and remote communities.
- To address waste management requirements and/or issues raised with councils by the Northern Territory Environment Protection Authority (NT EPA). This includes remedial actions and waste and contaminant related requirements specified in instruments issued by the NT EPA or its officers under the Waste Management and Pollution Control Act 1998 including but not limited to Environmental Audit Programs (section 48), Performance Agreements (section 66), Authorised Officer Directions (section 72), and Pollution Abatement Notices (sections 77 and 78).
- Engaging a consultant to prepare a Waste Management Strategy; or revise an existing Waste Management Strategy for council. A content example is provided at Attachment 1 to this funding guideline.
- Undertaking any action(s) identified in an existing Waste Management Strategy adopted by resolution of Council.

At the May meeting the Council discussed small projects they would like to see be undertaken if they fitted in the guidelines. These included:

- Removing the little piles of rubbish around the Community and fence the area to restrain people from throwing rubbish outside designated area.
- Separate area for the dumping of white goods with gas cylinders such as fridges and freezers
- Removal all the old vehicles and construction rubbish that is scattered in the bush

### **Consultation**

Not applicable.

### **Statutory Environment**

Not applicable.

### **Policy Implications**

Not applicable.

### **Financial Implications**

The grant will appear in the 2021/22 budget.

### **Recommendation**

***That Council:***

- 1. Ratify the CEO's acceptance of the WaRM project grant funding as tabled***
- 2. Identify the following projects for application of the WaRM grant funding:***
  - a) Removing the of rubbish around the Community and construction of a fence the area to restrain people from throwing rubbish outside designated area***
  - b) Development of separate area for the dumping of white goods with gas cylinders such as fridges and freezers***
  - c) Removal all the old vehicles and construction rubbish that is scattered in the bush***

***Moved:***

***Seconded:***

25 May 2021

Ms Cathy Winsley  
Chief Executive Officer  
Belyuen Community Government Council  
CMB 18  
DARWIN NT 0801

Dear Ms Winsley

**RE: 2020-21 Waste and Resource Management Grant Program**

The Minister for Local Government, the Honourable Chansey Paech MLA has recently approved the new Waste and Resource Management (WaRM) grant program and allocations to provide your Council funding to assist with addressing issues specific to Waste and Resource Management.

As a result I am pleased to offer the Belyuen Community Government Council (Council) a one-off grant totalling \$75 000 to undertake one or more stated purposes as identified in the attached WaRM grant guidelines. Council will need to formally resolve what project/s are intended to be achieved with this funding. An extract of the Council meeting agenda and resolution is to be provided to the Department of the Chief Minister and Cabinet (Department) by no later than 31 July 2021.

Council must procure goods/services from a Territory enterprise, unless it can be proven, through a competitive process that there are no suitable Territory enterprises able to supply the item or service. Details of this policy can be found at <http://buylocal.nt.gov.au>

This offer is to be accepted on the conditions outlined in the attached acceptance form. As the grant relates to the 2020-21 financial year, it is imperative the completed acceptance form is submitted by COB 18 June 2021 to enable release of funds to your Council before end of year payment system closures. The completed acceptance form is to be returned to Ms Donna Hadfield, Manager Grants Program at [lg.grants@nt.gov.au](mailto:lg.grants@nt.gov.au).

This grant must be acquitted once it has been expended and purchase from a Territory enterprise confirmed. Attached is an acquittal form for this purpose. Where Council has resolved to use the grant to prepare/revise its Waste Management Strategy a copy is required to be submitted as part of the grant acquittal process.

Please note the grant funding is to be fully expended by 30 June 2022. Failure to do so may result in the Department requesting funds to be repaid.

I wish you every success with the project/s and look forward to hearing about delivery thereof.

Yours sincerely



SANDRA SCHIMDT  
Regional Executive Director  
Top End Region



## MINISTER FOR LOCAL GOVERNMENT

Parliament House  
State Square  
Darwin NT 0800  
minister.paech@nt.gov.au

GPO Box 3146  
Darwin NT 0801  
Telephone: 08 8936 5688

Ms Cathy Winsley  
Chief Executive Officer  
Belyuen Community Government Council  
CMB 18  
DARWIN NT 0801

Dear Ms Winsley

I am pleased to advise I have approved a grant totalling \$75 000 to your council as part of a new \$1.8 million Waste and Resource Management (WaRM) grant program established through the Department of the Chief Minister and Cabinet.

The one-off WaRM Program has been established to provide regional and shire councils an opportunity to assist with addressing issues specific to Waste and Resource Management.

I recognise the challenges faced by all councils on waste management issues and I trust these funds will go some way in assisting your council.

Further correspondence will soon be sent from the Department of the Chief Minister and Cabinet regarding this new initiative.

Yours sincerely

CHANSEY PAECH

19 MAY 2021



**Belyuen Community Government Council**

Manager Grants Program  
Local Government and Community Development  
Department of the Chief Minister and Cabinet  
GPO Box 4621  
DARWIN NT 0801

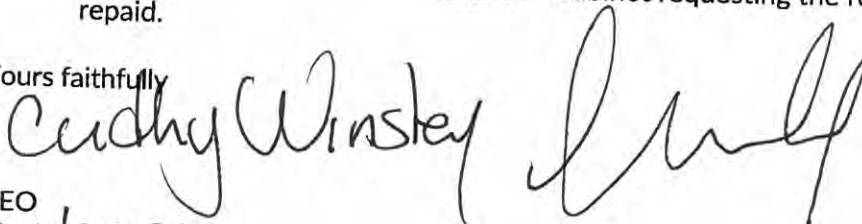
Dear Madam

**RE: ACCEPTANCE OF WASTE AND RESOURCE MANAGEMENT (WaRM) GRANT FOR  
2020-21**

On behalf of the Belyuen Community Government Council the offer of a WaRM grant for \$75 000 (Excl. GST) is accepted and Council will manage the grant under all the following terms and conditions.

- (a) Comply with all the conditions of the WaRM grant funding guidelines.
- (b) Manage and expend the WaRM grant in accordance with the *Local Government Act 2008* and the *Local Government (Accounting) Regulations 2008*; or if expending funds after 1 July 2021, in accordance with the *Local Government Act 2019* and the *Local Government (General) Regulations 2021*.
- (c) Purchase goods/services funded under this agreement on the requirements of the Northern Territory Government's Buy Local policy, unless it can be proven, through a competitive process that there is no suitable Territory enterprise able to supply the service.
- (d) Place the WaRM grant in a **trust account**, according to details in GrantsNT.
- (e) Only use the WaRM for one or more acceptable purposes as identified in the WaRM grant guidelines.
- (f) Provide an extract of the Council meeting agenda and resolution endorsing the WaRM project/s detailed by 31 July 2021.
- (g) Absorb any costs above \$75 000 (Excl. GST).
- (h) Acquit the grant as at 30 June 2022 using a statement titled "Acquittal of Waste and Resource Management (WaRM) grant 2021-22" as issued (copy attached), on or before 31 August 2022.
- (i) Lay the acquittal before a Council meeting and provide a copy of the meeting minutes.
- (j) Fully expend the WaRM grant by 30 June 2022 as failure to do so may result in the Department of the Chief Minister and Cabinet requesting the remaining funds to be repaid.

Yours faithfully



CEO

11 / 6 / 2021

CFO

/ / 20\_\_

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## 4.2 2021-2022 Belyuen Community Government Council Shire Plan

<b>Report Number</b>	<b>8.2.7.20</b>
<b>Author</b>	<b>Cathy Winsley - CEO</b>
<b>Attachments</b>	<b>Shire Plan 2021-2022</b> <b>Rates Assessment Record Certification</b> <b>Rates Declaration 2021-22</b> <b>Feedback from the DLGHCS</b> <b>Shire Plan tabled separately</b>

### Summary

Council approved the Draft 2021-2022 Belyuen Community Government Council Shire Plan at the Ordinary Council meeting of 6 June 2021 which was then made available for public comment for 21 days as per section 24(2) of the *Local Government Act 2008*. Council must consider and make revisions (if it deems appropriate considering the submissions made in response) to the draft, or not, and once adopted declare its Rates and Charges for the financial year 2021-22.

### Comment

There was one submission received during the advertising period as attached.

The new *Local Government Act 2019* came into effect 1 July 2021, however, under the transitional arrangements, the requirements of the previous Act remain in force. Under section 24(1) of the *Local Government Act 2008*, the council must adopt a plan between 1 April and 31 July of each year. If the Council is unable to adopt the Shire Plan, the council will be required to request an extension from the Minister.

### Statutory Environment

Part 3.2 of the *Local Government Act 2008* refers. Please note that these arrangements exist under the transitional arrangements in the *Local Government Act 2019* s356.

### Financial Implications

As outlined in the Shire Plan.

### Recommendation

***That Council adopt the tabled 2021-22 Shire Plan for the Belyuen Community Government Council and:***

- a) note and accept the Rates Assessment Record Certification made by the CEO on 19 July 2021 as tabled;***
- b) declare Rates and Charges for the 2021/22 financial year as per the attached "Declaration of Rates & Charges 2020/21" and included within the Belyuen Community Government Shire Plan;***
- c) adopt the Budget for the 2021/22 financial year as presented within the 2021-2022 Belyuen Community Government Shire Plan;***

***d) note the comments received and the content amendments to the draft plan as described in the attached documents;***

***i. Corrections identified by the Department of Chief Minister and Cabinet as per tabled comments***

***ii. Officer identified typos and amendments***

***iii. Modifications to the projected budget.***

***Moved:***

***Seconded:***

## **5 NEXT COUNCIL MEETING**

***The next Ordinary Meeting of Council be held on \_\_\_\_\_ at the Belyuen Council Offices, Belyuen commencing at 5:00PM.***



# BELYUEN COMMUNITY GOVERNMENT COUNCIL

ABN 88 194 280 330  
BELYUEN COMMUNITY  
Community Mail Bag 18,  
Darwin NT 0822  
Telephone: (08) 8978 5071

## To Whom It May Concern

I certify that, to the best of my knowledge, information and belief, the rates assessment record is a comprehensive record of all rateable land within the Belyuen Community Government Council jurisdiction.

Cathy Winsley  
Chief Executive Officer

19 July 2021

## **Belyuen Community Government Council Declaration of Rates and Charges 2020-2021**

Notice is given pursuant to Chapter 11 of the *Local Government Act 2019* (“**the Act**”) that the following rates and charges were declared by Belyuen Community Government Council (“**Council**”) on 29 July 2021 in respect of the financial year ending 30 June 2022.

### **Rates**

Pursuant to section 155 of the *Local Government Act 2008*, Council declared that it intends to raise, for general purposes by way of rates, the amount of \$86,849.

Pursuant to section 226 of the Act, the basis of rates are fixed charges upon each class of allotment.

#### **1. Residential allotments**

In respect of allotments classed as “Residential” in the Council assessment record, a fixed amount of \$2016.69 per allotment.

#### **2. Residential duplex allotments**

In respect of allotments classed as “Residential duplex” in the Council assessment record, a fixed amount of \$2160.97 per allotment.

#### **3. Unit allotments**

In respect of allotments classed as “Unit” in the Council assessment record, a fixed amount of \$1632.72 per allotment.

#### **4. Community services allotments**

In respect of rateable allotments classed as “Community services” in the council assessment record, a fixed amount of \$2225.29 per allotment and \$1780.23 per additional unit on the allotment.

### **Charges**

Pursuant to section 239 of the Act, Council declared the following charges for the purpose of kerbside garbage collection and other waste management to be provided, or which council is willing and able to provide.

Council intends to raise \$ \$75,701 by these charges.

#### **1. Residential – not vacant - allotments**

In respect of allotments classed as “Residential” with the sub-classification of “Residential” or classed as “Exempt residential” with the sub-classification of “Not Vacant” in the council assessment record, where

Council is willing and able to provide the service, a charge of \$ \$1,291.85 per annum per allotment.

#### **2. Residential duplex – not vacant - allotments**

In respect of allotments classed as “Residential duplex” with the sub-classification of “Not vacant” in the council assessment record, where Council is willing and able to provide the service, a charge of \$2,132.72 per annum per allotment.

#### **3. Unit – not vacant - allotments**

In respect of allotments classed as “Unit” with the sub-classification of “Not vacant” in the council assessment record, where Council is willing and able to provide the service, a charge of \$1,291.85 per annum per allotment.

#### **4. Community services – not vacant - allotments**

In respect of allotments classed as “Community Services” with the sub-classification of “Not vacant” or classified as “Exempt community services” with the sub-classification of “Not vacant” in the council assessment record, where Council is willing and able to provide the service, a charge of \$1,460.18 per annum per allotment and \$1,460.18 per second or more units on the allotment.

### **Payment**

The due date for payment will be notified in rates notices and will be at least 28 days from the date the notice is issued.

### **Interest Rate for late payment**

The relevant interest rate for the late payment of rates and charges is fixed in accordance with section 245 of the Act at the rate of 14% per annum.

**Cathy Winsley  
CHIEF EXECUTIVE OFFICER**

Council: Belyuen Community Government Council

Released on: 28/06/2021

Submission closes: **22/07/2021**

Our Ref: HCD2017/01826

Ms Cathy Winsley  
Chief Executive Officer  
Belyuen Community Government Council  
CMB 18  
Darwin NT 0801

Email: [cathy.winsley@belyuen.nt.gov.au](mailto:cathy.winsley@belyuen.nt.gov.au)

Dear Ms Winsley

**Re: Feedback on Council's draft 2021-22 Annual Plan out for Public Consultation**

Every year the Department of the Chief Minister and Cabinet, as the Agency responsible for Local Government, provides feedback on Council's draft Annual Plan. This feedback is not a formal submission, rather it is our contribution to assist the Council in its planning and budgeting process and to help the Council meet its Local Government legislative obligations.

Following our review of Council's draft Annual Plan, to comply with the local government legislation, there is one matter we have identified under the heading "Legislative Requirements" in the attached feedback, which we strongly suggest be addressed before the Council adopts its 2021-22 Annual Plan.

In addition, where we have come across grammatical or typographic errors, or potential inconsistencies, we have identified these in the feedback under the heading "Suggested Edits". Any other related matters we think the Council should consider, we have listed under the heading "Other Things to Note".

Should you have any queries on the matters mentioned in this email, please contact [lg.compliance@nt.gov.au](mailto:lg.compliance@nt.gov.au).

Yours sincerely

The Sustainability and Compliance Team

## Draft Annual Plan Feedback:

### Legislative Requirements (To be addressed by Council)

- It was noted that page 9 of the draft Annual Plan Council's the key capital projects for 2021-22 are listed without budget amounts. However, section 127(2)(c) of the *Local Government Act 2008* requires Council budget to state the amount allocated to the development and maintenance of each class of infrastructure. To comply with the legislative requirement please amend the Annual Plan to include the necessary budget allocations.

### Suggested Edits

- With reference to the Department as "Department of Housing and Community Development" and "Department of Local Government", please update to the "Department of the Chief Minister and Cabinet". For examples, see pages 4, 5 and 11 of the Annual Plan. Please also amend the link to the Department's website on page 4 to <https://cmc.nt.gov.au/>.
- On page 4 under "Constitutional Arrangement", on the fourth line, we think it should read "A combined working group was formed." Also on the same page, please include the link to the 2019 report on constitutional arrangement as required under section 23(3) of the *Local Government Act 2008*: <https://www.belyuen.nt.gov.au/other-publications/review-of-constitutional-arrangements>.
- After page 8 in the Annual Plan, it was noted that the page numbers begin again as "page 1" on the Service Delivery Plan. We recommend adjusting the page numbers from page 9 onwards, as well as the Table of Contents page references.
- Under "Service Delivery Plan" on page 7, please amend the name of the agency to "Department of Infrastructure, Planning and Logistics" and the "Department of Human Services" has been renamed "Services Australia".
- On page 10 in the Program Budget, it was noted that some of the total expenditure figures were different to those reported in the Long-Term Budget on pages 8-9. For example, in the Long-Term Budget the interest expense for 2021-22 is \$157,600 yet in the program budget the total interest expense is \$4,400. We recommend this be corrected before the Annual Plan is adopted by Council.
- Also the total expenses in the Program Budget on page 10 do not equal the total column amount – there appears to be a difference in the employee costs expenditure line. This too will need to be corrected before the Annual Plan is adopted.

### Other Things to Note:

**Rates declaration** – our review of Council's draft Plan does not include commenting on the Council's rates declaration. We separately encourage your Council to seek legal advice when preparing the rates declaration.

**Citation of legislation** - Due to recent amendments to the *Interpretation Act 1978*; Northern Territory legislation referencing is to include the year of enactment, for example *Local Government Act 2008*. Though we encourage this citation approach, any existing references are not legally incorrect due to transitional protection that has been included.

Note, the Council may wish to shorten a legislative citation reference, particularly if it is repeated in the same document. One way may be to cite the legislation followed by the short name in brackets and then use the short name subsequently – for example: the *Local Government Act 2008* (Act) and then use the reference 'Act' when next talking about that particular legislation.

**Early payment allocation of the 2021-22 Financial Assistance Grant** – On May 31 2021 the NT Grants Commission advised Council of the early payment of the first and second quarter allocations of the 2021-22 Financial Assistance Grants and the amount expected to be paid to Council in early June 2021. Note, when preparing its budget the Council should take into consideration the impact this early payment may have on Council's 2021-22 budget.