



Confirmed Minutes
Burke Shire Council Special Meeting
Tuesday 12th July 2022
1.00pm Council Chambers

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01. Opening of Meeting

The Chair declared the meeting open at 1:05pm

02. Record of Attendance

Members **Cr Ernie Camp; Mayor – Chair**
Cr John Clarke
Cr John Yanner
Cr Rosita Wade

Officers **Dan McKinlay; Chief Executive Officer**
Graham O’Byrne; Director of Engineering
Shaun Jorgensen; Finance and ICT Manager
Kim Chan; Economic Development Manager
Clinton Murray; Works Manager
Chelsea Nelson; People, Performance and Culture Manager
Madison Marshall; Corporate Services and Governance Manager
Brianna Harrison; Executive Assistant (Minutes)

Apology **Cr Tonya Murray; Deputy Mayor**

02.01 LGR 2012 Section 254K – Participating in meetings by audio link or visual audio link

That Council, in accordance with section 254K of the Local Government Regulation 2012, allows the following person/s to participate in the meeting by audio link or visual audio link:

- **Graham O’Byrne, Director of Engineering**
- **Chelsea Nelson, People, Performance and Culture Manager**

Moved: **Cr Camp**

Seconded: **Cr Wade**

Carried 220712.01 4/0

03. Declaration of Interests

That Council notes no declarations of interests were noted for the meeting.

04. Executive Management Reports

04.01 Review of Business Activities Policy

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Shaun Jorgensen; Finance and Technology Manager
DATE REPORT PREPARED:	4 July 2022
LINK TO COUNCIL PLAN/S:	Corporate Plan –Council develops, implements and maintains an effective and compliant governance framework (governance, finance, risk)

1. PURPOSE

The purpose of this report is to re-adopt the Business Activities Policy in accordance with the Local Government Act 2009 and Local Government Regulation 2012.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

This policy is applicable to all Business Activities of Council that are required by the Local Government Act and/or Local Government Regulation to have National Competitive Policy Principles applied to them, and to any business activities that Council chooses to apply the National Competition Principles.

The policy outlines the following factors:

- Activities of Council that might be identified as business activities (criteria)
- Classification and Requirements of Business Activities
- Prescribed Business Activities
- Roads Activities that might be identified as business activities
- Broad Principles for the Operation of All Business Activities
- The Competitive Neutrality Complaints Process

3. FINANCIAL & RESOURCE IMPLICATIONS

Not applicable concerning adoption of this Report

4. POLICY & LEGAL IMPLICATIONS

Instrument	Reference	Details
Local Government Regulation 2012	Division 2 Section 19	<p>Thresholds for significant business activities—Act, s 43</p> <p>(1) This section prescribes, for section 43(4)(b) of the Act, the threshold that a business activity must meet to be a significant business activity for a financial year (the current financial year).</p>
	Division 2 Section 20	<p>(1) This section states the information that a local government must use to identify significant business activities in its annual report for a financial year (the current financial year) under section 45(b) of the Act.</p> <p>(2) The local government must use the following information—</p> <p>(a) if the business activity is the provision of combined water and sewerage services—the information about the number of premises connected to a water service stated in the local government’s performance report for the financial year ending immediately before the current financial year;</p> <p>(b) for another business activity—the information presented to the local government’s budget meeting for the financial year ending immediately before the current financial year.</p>

Local Government Act 2009 Section 48	Competitive neutrality complaints	<p>(3) In this section— performance report, of a local government, means a performance report given to the regulator by the local government under the Water Supply (Safety and Reliability) Act 2008, section 142A.</p> <p>(1) A local government must adopt a process for resolving competitive neutrality complaints.</p> <p>(2) A competitive neutrality complaint is a complaint that—</p> <p>(a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and</p> <p>(b) is made by an affected person.</p> <p>(3) An affected person is—</p> <p>(a) a person who—</p> <p>(i) competes with the local government in relation to the business activity; and</p> <p>(ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or</p> <p>(b) a person who—</p> <p>(i) wants to compete with the local government in relation to the business activity; and</p> <p>(ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.</p>
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		<p>(4) A regulation may provide for the process for resolving competitive neutrality complaints.</p> <p>(5) A local government does not have to resolve a competitive neutrality complaint relating to a business activity prescribed under a regulation.</p>
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5. RISK

The annual review of this policy is a risk mitigation activity ensuring the currency of Council policies.

6. CRITICAL DATES & IMPLICATIONS

This policy will apply until the next respective review date as defined by either the Act, Regulation or Policy.

7. CONSULTATION

Councillors

Chief Executive Officer

Finance and Technology Manager

8. CONCLUSION

That the Business Activities Policy be re-adopted, as per requirements under the *Local Government Act 2009* for the policy to be adopted annually.

9. OFFICER'S RECOMMENDATION

1. THAT Council re-adopts the Business Activities Policy as part of the annual review carried out by officers.

04.01 Review of Business Activities Policy

- 1. THAT Council re-adopts the Business Activities Policy as part of the annual review carried out by officers.**

Moved: Cr Yanner

Seconded: Cr Wade

Carried 220712.02 4/0

04.02 2022-2023 Revenue Policy

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Shaun Jorgensen; Finance and Technology Manager
DATE REPORT PREPARED:	4 July 2022
LINK TO COUNCIL PLAN/S:	Corporate Plan 2019-24, Operational Plan.

1. PURPOSE

To review and adopt the Burke Shire Council Revenue Policy for 2022-23.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council is required under Section 169 of the Local Government Regulation 2012 to include a Revenue Policy in its annual budget.

The Revenue Policy is a key statutory document of Council and is required to be adopted as part of the annual budget.

3. PROPOSAL

Section 193 (3) of the Local Government Regulation 2012 requires Council to review its Revenue Policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

The purpose of the Revenue Policy is to set out the principles used by Burke Shire Council for:

- The levying of rates and charges.
- Granting concessions for rates and charges;
- Recovering overdue rates and charges;
- Cost recovery methods; and
- If the local government intends to grant concessions for rates and charges –the purpose of the concessions;
- The extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.

Council levies rates and charges to fund the provision of valuable services to our community. When adopting its annual budget Council will set rates and charges at a level that will provide for both current and future community requirements.

Council also provides concessions to pensioners to assist property owners to remain in their own homes, and concessions to non-profit community, sporting and cultural groups as they contribute to the health and well-being of the community and to the social cohesion of the region.

The Revenue Policy also sets out the principles that will apply in the management of and recovery of debt. These principles are as follows:

Fairness and Equity-by ensuring the consistent application of lawful rating and charging principles without bias;

- Transparency by communicating the Council’s charging processes and each ratepayer’s responsibility under the rating system.
- Efficiency by having a rating regime that is cost effective to administer.
- Sustainability – to support the financial strategies for the delivery of infrastructure and services identified in Council’s short-, medium- and long-term planning: and
- Flexibility within agreed parameters-by providing payment arrangements to assist ratepayers in meeting their rate commitments.

Council has included in its Rating Policy the ability to introduce rates capping.

For the 2022/2023 Revenue Policy, council management also engaged King & Company Solicitors to conduct a thorough review of the policy to ensure its completeness and adherence with the relevant legislation.

4. FINANCIAL & RESOURCE IMPLICATIONS

adoption of the 2022/2023 Revenue Policy ensures that Council can rate in accordance with the proposed 2022/2023 Budget.

5. POLICY & LEGAL IMPLICATIONS

Local Government Act 2009	<p>104(5)(c)(iii)</p> <p>(5) The system of financial management established by a local government must include-</p> <p>(c) the following financial policies of the local government-</p> <p>(iii) revenue policy</p>
Local Government Regulation 2012	<p>169 (2)</p> <p>The budget must also include—</p> <p>(a) a long-term financial forecast; and</p> <p>(b) a revenue statement; and</p> <p>(c) a revenue policy</p> <p>193 Revenue policy</p> <p>(1) A local government’s revenue policy for a financial year must state:</p> <p>(a) the principles that the local government intends to apply in the financial year for—</p> <p>(i) levying rates and charges; and</p> <p>(ii) granting concessions for rates and charges; and</p> <p>(iii) recovering overdue rates and charges; and</p>

	<p>(iv) cost-recovery methods; and</p> <p>(b) if the local government intends to grant concessions for rates and charges—the purpose for the concessions; and</p> <p>(c) the extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.</p> <p>(2) The revenue policy may state guidelines that may be used for preparing the local government’s revenue statement.</p> <p>(3) A local government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year</p>
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6. CRITICAL DATES & IMPLICATIONS

A local government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year

7. CONSULTATION

The implications of the 2022/2023 Revenue Policy will be incorporated into the detailed budget discussions with Council.

8. CONCLUSION

The 2022/2023 Revenue Policy is used in the formulation of Council’s 2022/2023 Revenue Statement and 2022/2023 Budget and must be included in the adoption of the annual budget each financial year.

Council’s annual budget must be consistent with its Revenue Policy.

9. OFFICER’S RECOMMENDATION

1. THAT Council resolves to adopt, pursuant to Section 193 of the Local Government Regulation 2012, the 2022/2023 Revenue Policy (Attachment 1) for inclusion in the 2022/2023 Budget.

04.02 2022-2023 Revenue Policy

1. **THAT Council resolves to adopt, pursuant to Section 193 of the Local Government Regulation 2012, the 2022/2023 Revenue Policy (Attachment 1) for inclusion in the 2022/2023 Budget.**

Moved: Cr Camp

Seconded: Cr Clarke

Carried 220712.03 4/0

04.03 Operational Plan 2022-23

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Dan McKinlay; Chief Executive Officer
DATE REPORT PREPARED:	07 July 2022
LINK TO COUNCIL PLAN/S:	Corporate Plan.

1. PURPOSE

To adopt the Operational Plan for 2022/2023.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council prepares an Operational Plan for each financial year. The Operational Plan is consistent with the corporate Plan 2019-2024.

Council has completed a significant rework of the Operational Plan in relation to format and more focused outcomes.

3. FINANCIAL & RESOURCE IMPLICATIONS

In accordance with the Section 175 of the Local government Regulation 2012 the Operational Plan must be consistent with the annual budget.

4. RISK

Risk Type	What could happen	Possible Consequences
Strategic and operational alignment	Non-alignment between Corporate Plan, Operational Plan and Budget.	Ineffective, inefficient and noncompliant operations.
Compliance	Content requirements of Operational Plan 2021-22 not met	Plan prepared with reference to regulatory requirements

5. POLICY & LEGAL IMPLICATIONS

Instrument	Reference	Details
Local Government Act 2009.	Section 104 Financial management systems.	<p>(5) (a) (v) The system of financial management established by a local government must include an annual operational plan.</p> <p>(5) (b) (vi) financial accountability documents must include a report on the results of an annual review of the implementation of the annual operational plan.</p>

		(7) A local government must carry out a review of the implementation of the annual operational plan annually.
Local Government regulation 2012.	Division 4 Annual Operational Plan	<p>Section 174 Preparation and adoption of the annual operational plan</p> <p>(1) A local government must prepare and adopt an annual operational plan for each financial year.</p> <p>(2) The local government may, but need not, adopt the annual operation plan for a financial year at the same time the local government adopts its budget for the financial year.</p> <p>(3) The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.</p> <p>(4) A local government may, by resolution, amend its annual operational plan at any time before the end of the financial year.</p> <p>(5) A local government must discharge its responsibilities in a way that is consistent with its annual operational plan.</p> <p>Section 175 Annual operational plan contents</p> <p>(1) (1) The annual operational plan for a local government must—</p> <ul style="list-style-type: none"> a. be consistent with its annual budget; and b. state how the local government will— <ul style="list-style-type: none"> i. progress the implementation of the 5-year corporate plan during the period of the annual operational plan; and ii. manage operational risks

6. CRITICAL DATES & IMPLICATIONS

In accordance with the Local Government Regulation 2012, a local government must prepare and adopt an annual operational plan for each financial year and may choose to adopt the annual operation plan at the same time as the budget.

The Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

7. CONSULTATION

Consultation on the Operational Plan 2022-23 has been held with both the Executive Team and Councillors as part of the 2022-2023 budget considerations.

8. CONCLUSION

The Operational Plan has been developed with reference to the objectives, strategies and key performance indicators of the 2019-2024 Corporate Plan.

9. OFFICER'S RECOMMENDATION

1. That Council note the contents of the report; and
2. That Council adopts the Operational Plan 2022-23, as presented, in accordance with sections 174-175 of the Local Government Regulation 2012.
3. That Council publishes the Operational Plan 2022-23 on Council's website.

04.03 Operational Plan 2022-23

- 1. That Council note the contents of the report; and**
- 2. That Council adopts the Operational Plan 2022-23, as presented, in accordance with sections 174-175 of the Local Government Regulation 2012.**
- 3. That Council publishes the Operational Plan 2022-23 on Council's website.**

Moved: Cr Yanner

Seconded: Cr Wade

Carried 220712.04 4/0

04.04 2022-2023 Fees and Charges

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Shaun Jorgensen; Finance and Technology Manager
DATE REPORT PREPARED:	7 July 2021
LINK TO COUNCIL PLAN/S:	Corporate Plan 2019-2024 Operational Plan 2022-23

1. PURPOSE

The proposed Fees and Charges for 2022/2023 are provided in the attached schedule.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

A review of fees and charges for 2022/2023 has been carried out by council Managers. In a number of cases the flat increase of 4% has been applied over a number of the fees and charges.

Upon a more detailed review of the Fees and Charges schedule by both Finance and Administration staff, it was determined that some changes were required for the fee structures pertaining to the following:

- Hall and venue hire fees (addition of day rates at a 10% bulk discount for 8 hours of consistent use of facilities)
- Commercial Waste Disposal Charges (a full restructure of charges as per consultation with Council Engineering staff)
- Gravel Supply (restructure of charges with current costings and cubic meter measures instead of tonnages)

The above changes have been made to simplify the council Fees and Charges Schedule to make it more approachable for community members and businesses whilst also taking into considerations cost recovery and sustainability outcomes for council.

3. PROPOSAL

The intention of this report is to submit Council's reviewed Fees and Charges Schedule for the 2022/2023 financial year.

4. FINANCIAL & RESOURCE IMPLICATIONS

The fees and charges set by the attached schedule forms a part of Council's revenue raising requirements and provide the source of funding and/or contribution to a number of programs delivered by Council.

The fees and charges are set in conjunction with the Budget each year to ensure appropriate and responsible revenue raising.

5. POLICY & LEGAL IMPLICATIONS

Pursuant to section 97(1) of the Local Government Act 2009, Council may under a local law or a resolution, fix a cost recovery fee.

The fees and charges in the schedules can be amended at any time throughout the year in accordance with legislation.

6. CONSULTATION

Councillors

Chief Executive Officer

Management Group

7. CONCLUSION

The fees and charges for 2022/2023 are set under the provisions of the Local Government Act and are to be applied from the 1st July 2022. Council is required to make a resolution to adopt all such fees and charges.

8. OFFICER'S RECOMMENDATION

1. THAT Council resolves to adopt the attached Register of Fees and Charges for 2022/2023.

04.04 2022-2023 Fees and Charges

- 1. THAT Council resolves to adopt the attached Register of Fees and Charges for 2022/2023.**

Moved: Cr Clarke

Seconded: Cr Camp

Carried 220712.05 4/0

04.05 2022-2023 Reimbursement of Expenses and Provision of Facilities for Councillors Policy

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Dan McKinlay; Chief Executive Officer
DATE REPORT PREPARED:	07 July 2022
LINK TO COUNCIL PLAN/S:	Corporate Plan 2019-24-Good governance.

1. PURPOSE

To review Council's Reimbursement of Expenses and Provision of Facilities for Councillors Policy.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Section 249 of the Local Government Regulation 2012 legislates that the expenses reimbursement policy is a policy providing for:

- payment of reasonable expenses, incurred or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors.
- provision of facilities to the Councillors for that purpose.

Sections 250 of the Local Government Regulation 2012 covers the requirement to adopt an expenses reimbursement policy or amendment:

A local government must adopt an expenses reimbursement policy.

A local government may, by resolution, amend its expense reimbursement policy at any time.

3. PROPOSAL

The attached Reimbursement of Expenses and Provision of Facilities for Councillors Policy is based on the policy adopted by the previous Council and updated as required. There have only been minor amendments to the policy.

4. FINANCIAL & RESOURCE IMPLICATIONS

Provision will be made in the 2022/2023 Council budget for estimated Councillor Expenses

5. RISK

It is always the aim of Council to ensure that all decisions are legal, ethical and impartial. Such principles are reflected in Section 4 of the Local Government Act 2009 (i.e., the "local government principles") and section 12 of that Act (the responsibilities of Councillors)

6. POLICY & LEGAL IMPLICATIONS

Modification of existing Policy.

7. CRITICAL DATES & IMPLICATIONS

It is appropriate for council to review this policy as a new budget is being implemented.

8. CONSULTATION

Councillors

9. CONCLUSION

Council's Reimbursement off Expenses and Provision of Facilities for Councillors Policy is compliant with the Local Government Regulation 2012 and allocates sufficient resourcing for Councillors to discharge all responsibilities and provides sufficient clarity to Councillors and Council staff on expectations in relation to facilities and expenses.

10. OFFICER'S RECOMMENDATION

1. That Council adopt and implement the amended Burke Shire Council Reimbursement of Expenses and Provision of Facilities for Mayor and Councillors Policy.

04.05 2022-2023 Reimbursement of Expenses and Provision of Facilities for Councillors Policy

1. That Council adopt and implement the amended Burke Shire Council Reimbursement of Expenses and Provision of Facilities for Mayor and Councillors Policy.

Moved: Cr Wade

Seconded: Cr Yanner

Carried 220712.06 4/0

04.06 Grants to Community Organisations

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Dan McKinlay; Chief Executive Officer
PREPARED BY:	Dan McKinlay; Chief Executive Officer
DATE REPORT PREPARED:	07 July 2022
LINK TO COUNCIL PLAN/S:	Corporate Plan 2019-24-Good governance.

1. PURPOSE

To review Council's Grants to Community Organisations Policy

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Section 195 of the Local Government Regulation 2012 requires that local governments must prepare and adopt a policy about grants to community organisations. (a community grants policy), which includes the criteria for a community organisation to be eligible for a grant from the local government

Section 194 of the Local Government Regulation 2012 states that the local government may give a grant to a community organisation only:

- a) If the local government is satisfied –
 - i) the grant will be used for a purpose that is in the public interest; and
 - ii) the community organisation meets the criteria stated in the community grants policy; and
- b) In a way that is consistent with the local government's community grants policy.

Section 195 requires that a policy about grants to community organisations must include the criteria for a community organisation to be eligible for a grant from the local government.

Incorporated associations are required to comply with the Associations Incorporation Act 1981 and the Associations Incorporation Regulation 1999. This includes requirements to have financial statements audited (Level 1 associations) or verified (Level 2 and 3 associations).

All requests for a Council grant must be made through the application process outlined in this policy.

3. PROPOSAL

The attached Grants to Community Organisations Policy is based on the policy adopted by the previous Council and updated as required. There have been a number of amendments to the policy without changing its intent.

4. FINANCIAL & RESOURCE IMPLICATIONS

Provision will be made in the 2022/2023 Council budget for Grants to Community Organisations.

5. POLICY & LEGAL IMPLICATIONS

Modification of existing Policy.

6. RISK

It is always the aim of Council to ensure that all decisions are legal, ethical and impartial. Such principles are reflected in Section 4 of the Local Government Act 2009 (i.e., the “local government principles”) and section 12 of that Act (the responsibilities of Councillors)

7. CRITICAL DATES & IMPLICATIONS

It is appropriate for council to review this policy as a new budget is being implemented.

8. CONSULTATION

Councillors

Community and Communications Manager

9. CONCLUSION

Changes made clarify various aspects of the policy without changing its intent.

10. OFFICER’S RECOMMENDATION

1. That Council adopt and implement the amended Burke Shire Council Grants to Community Organisations Policy.

04.06 Grants to Community Organisations

- 1. That Council adopt and implement the amended Burke Shire Council Grants to Community Organisations Policy.**

Moved: Cr Wade

Seconded: Cr Camp

Carried 220712.07 4/0

05. Closed Session Reports

That Council notes no closed session reports were received for the meeting.

06. Closure of meeting

The Chair declared the meeting closed at 1:12pm.

I hereby certify that these pages numbered 1 to 19 – constitute
the Confirmed minutes of the Special Council Meeting of Burke
Shire Council held on Tuesday 12 July 2022.

Mayor Cr Ernie Camp