



KEMPSEY
Shire Council

MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 30th June 2009 commencing at 2.00 p.m.

PRESENT:

Councillors J H Bowell (Mayor and Chairman), E A Campbell, E A Green, J C Gribbin, J A C Hayes, D F Saul and A D Snowsill

Acting General Manager, R B Pitt; Director Shire Services, B J Morris; Acting Director Corporate & Community Services, K E Oliver; Manager Administration, K R Woods; and Minute Taker D M Pearson.

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OPENING PRAYER

"Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen".

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APOLOGY:

2009. 470 RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Hayes*

That the apology submitted by Councillors Sproule and Walker for non-attendance at the meeting be accepted and leave of absence granted.

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CONSIDERATION OF CONFIDENTIAL REPORTS

2009. 471 RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Green*

That the confidential reports be considered in the confidential section of the meeting.

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CONSIDERATION OF LATE REPORTS

2009. 472 RESOLVED:

*Moved: Cl. Campbell
Seconded: Cl. Gribbin*

That the late reports be considered in conjunction with the relevant Director's reports.

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ADOPTION OF AGENDA ORDER OF BUSINESS

2009. 473 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Hayes*

That the Agenda Order of Business be adopted.

MAYORAL REPORT

MM1	LOCAL GOVERNMENT, PLANNING AND ENVIRONMENTAL LAW CONFERENCE
FILE: 165	MAYOR {Folio No. *}

SUMMARY:

To provide Councillors the opportunity to attend the Conference

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Mayoral Recommendation:

That Council nominate Councillors to attend the Conference.

2009. 474 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Snowsill*

Councillors Hayes, Gribbin, Sproule and Bowell attend the Local government Planning and Environmental Law Conference 17th July 2009.

MM2	COUNTRY AND REGIONAL LIVING EXPO – 7 TH TO 9 TH AUGUST 2009
FILE: 233	MAYOR {Folio No. *}

SUMMARY:

Reporting that information has been received on the 2009 Country and Regional Living Expo.

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Mayoral Recommendation:

That consideration be given to attendance of a Councillor delegate at the Country and Regional Living Expo and August 2009.

MOVED:

Moved: Cl. Hayes

*Seconded: Cl. **

That Council take no action regarding this item.

The MOTION LAPSED for want of a SECONDER.

2009. 475 RESOLVED:

Moved: Cl. Hayes

Seconded: Cl. Campbell

That Councillor Green be Council's delegate to attend the Country and Regional Living Expo in August 2009.

GENERAL MANAGER'S REPORT

GM1	DRAFT MANAGEMENT PLAN		
	FILE: 339	AVB	{ Folio No. * }

SUMMARY:

Reporting to Council on the results of the public exhibit of the Draft Management Plan

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2009. 476 RESOLVED:

Moved: Cl. Green

Seconded: Cl. Hayes

1. That Council consider the submissions received in respect of the Draft Management Plan.
2. That the Management Plan for the 2009 / 10 year be adopted.

GM2	BUDGET		
	FILE: 153	AVB	{ Folio No. * }

SUMMARY:

To balance the budget for the 2009 / 10 year

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General Manager's Recommendation:

That Council finalise its budget for the 2009 / 10 year.

2009. 477 RESOLVED:

Moved: Cl. Hayes

Seconded: Cl. Green

That Council adopt the budget for 2009 / 10 year and carry out a review when the Minister makes an announcement in respect to the Special Rate increase and make the adjustments if necessary.

GM3	MAKING OF RATES AND CHARGES FOR 2009 / 10
FILE: 484	AVB {Folio No. *}

SUMMARY:

Reporting on the requirements for Council to make rates and charges for the year 1st July 2009 to 30th June 2010

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2009. 478 **RESOLVED:**

*Moved: Cl. Hayes
Seconded: Cl. Green*

That whereas Council has given public notice of its Draft Management Plan for the year 2009 / 10, and has taken into consideration submissions made in respect thereof, it is now resolved:-

1. That subject to the Minister's approval of Council's application for a special variation to General Income that the Base Amount plus Ad valorem ordinary Rates as set out hereunder for the various categories and sub-categories of all rateable land in the area be now made for the year commencing 1st July 2009 pursuant to Section 494 of the Local Government Act 1993:-

Special Variation Approved

Category	Sub-Category	Base amount		Plus Ad valorem
		\$	%	Cents in \$
Farmland	Farmland	328.00	23.972	0.3021
Residential	Other	328.00	49.647	0.3021
	Crescent Head	328.00	29.389	0.3021
	South West Rocks / Arakoon	328.00	38.015	0.3021
	Hat Head	328.00	29.863	0.3021
Business	Kempsey CBD	328.00	16.765	0.6101
	Other	328.00	29.259	0.6101
	Crescent Head	328.00	12.644	0.6101
	South West Rocks / Arakoon	328.00	14.40	0.6101
	Hat Head	328.00	15.356	0.6101

2. That subject to the Minister's non-approval of Council's application for a special variation to General Income that the Base Amount plus Ad valorem Ordinary Rates as set out hereunder for the various categories and subcategories of all rateable land in the area be now made for the year commencing 1st July 2009 pursuant to Section 494 of the Local Government Act 1993:-

Category	Sub-Category	Base amount	Plus Ad valorem
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		\$	%	Cents in \$
Farmland	Farmland	305.00	24.025	0.2801
Residential	Other	305.00	49.72	0.2801
	Crescent Head	305.00	29.449	0.2801
	South West Rocks / Arakoon	305.00	38.083	0.2801
	Hat Head	305.00	29.924	0.2801
Business	Kempsey CBD	305.00	16.79	0.5663
	Other	305.00	29.296	0.5663
	Crescent Head	305.00	12.664	0.5663
	South West Rocks / Arakoon	305.00	14.442	0.5663
	Hat Head	305.00	15.379	0.5663

- 3 That subject to the Minister's partial approval of Council's Application for a special variation to General Income, the rates be as outlined in 2 above plus the amount determined by the Minister such amount to be raised by equal increases on all base amounts (base charge) plus Ad valorem rate.
4. That the following Domestic Waste Management Service charges, inclusive of Kerbside Recycling, be now made for the year 2009 / 2010 pursuant to the provisions of section 496 of the Local Government Act 1993:-

Category	Charge Per Annum
Weekly (defined green waste)	\$313.00
Weekly (no green waste)	\$219.00
Vacant Lands – Urban	\$ 35.00

5. That the following Commercial Waste Service charge be now made for the year 2009 / 2010 pursuant to the provisions of Section 501 of the Local Government Act 1993:-

Per single weekly service (240 Litre Sulo) \$250.00

6. That the Domestic Waste Management Service and the Commercial Waste Service charges be based on the number of separate occupancies or domiciles (whether actually occupied or not) contained within each rateable property for which the service is available.

7. Water Charge

That the following water charges be made pursuant to the provisions of Sections 501 and 502 of the Local Government Act 1993 for the period 1st July 2009 to 30th June 2010:-

A Access Charge

A charge per meter of:-

Meter Size (mm)	Access Charge (\$)
Vacant	260.00

20	260.00
25	406.00
32	666.00
40	1040.00
50	1625.00
80	4160.00
100	6500.00
100 (half charge)	3250.00
150	14625.00
200	26000.00
Fire Service	560.00

B Usage Charge

Residential

\$1.20 per Kilolitre for all water consumed to 250kLpa

\$1.75 per Kilolitre for all water consumed above 250kLpa

Non-residential

\$1.20 per Kilolitre for all water consumed

6. Sewerage Charge

That the following sewerage charges be made pursuant to the provisions of section 501 of the Local Government Act 1993 for the period 1st July 2009 to 30th June 2010:-

A. Access Charge

Residential – Sewerage Base

Charge Unconnected Properties

(Per annum)

\$368.00

Residential – Sewerage Base

Charge Connected Properties

(Per annum)

\$595.00

Non-Residential (per connection size)

Water Meter Size (mm)	Access Charge (\$)
Vacant	368.00
20	536.00
25	836.00
32	1370.00
40	2140.00
50	3344.00
80	8560.00
100	13375.00
150	30094.00

B. Non-residential Usage Charge

Sewerage Usage Charge (per kl)

\$ 1.46

C. Section 501 Charge (per unit per annum)

Flats / Commercial	\$595.00
Holiday Flats (per unit per annum)	\$595.00

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MOTION FOR CONFIDENTIAL COMMITTEE

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it,
 - or
 - (ii) confer a commercial advantage on a competitor of the council,
 - or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the council, councillors, council staff or council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

2009. 479 RESOLVED:

***Moved: Cl. Gribbin
Seconded: Cl. Campbell***

That Council form itself into the Confidential Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

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DIRECTOR CORPORATE AND COMMUNITY SERVICES CONFIDENTIAL REPORT

DCCS1	NEW GENERAL MANAGER
CONF	FILE: S10-13 CC:1252 KEO {Folio No. *}

Section 10A (2)(a) – Personnel Matters

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e), and Refers to personal matters concerning particular individuals (other than councillors)

On balance, the public interest in preserving the confidentiality of information supplied, outweighs the public interest in openness and transparency in Council decision making by discussing the matter in open meeting.

SUMMARY:

Reporting on the new General Managers Contract and the total cost to Council for superannuation provisions under the Direct Member Benefit Scheme.

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Director Corporate & Community Services Recommended:

For Council's information

2009. 480

RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Campbell*

That the information be noted.

DIRECTOR SHIRE SERVICES SUPPLEMENTARY CONFIDENTIAL REPORT

DSS1	MACLEAY WATER INFRASTRUCTURE
CONF SUPP	FILE: 1148 BJM {Folio No. *}

Section 10A(2)(f) - Security

This report is submitted on a confidential basis as it involves matters affecting the security of the council, councillors, council staff or council property. (Local Government Act 1993, section 10A(2)(f))

On balance, the public interest in preserving the confidentiality of the information on security, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

SUMMARY:

Reporting on the status of Macleay Water's infrastructure for water delivery to Potters Hill reservoir

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2009. 481 **RECOMMENDED:**

*Moved: Cl. Green
Seconded: Cl. Hayes*

1. That the details of the report be noted and the recommended actions within the report be adopted.
2. That the issue of non recoup of flood damage to water and sewerage be referred to LGSA and other relevant authorities.

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OPEN COUNCIL

2009. 482 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. Hayes*

That the Open Council Meeting be resumed.

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.

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ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2009. 483 **RESOLVED:**

*Moved: Cl. Green
Seconded: Cl. Hayes*

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.

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CONCLUSION:

There being no further business, the Meeting terminated at 2.42 p.m.

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