

MINUTES

for the Special Meeting of Council held in the Council Chamber –
104 Hovell Street, Wodonga on Monday, August 26, 2013.

Present

Cr M Fraser

Cr E Kerr

Cr L Mahood

Cr A Speedie

Cr J Watson

In Attendance

Mr T Ierino Acting Chief Executive Officer

Mr M Verbaken Acting Director Business Services

Ms D Mudra Director Community Development

Mr L Schultz Director Planning and Infrastructure



**LIVE
WORK
INVEST**

1. Calling To Order

The acting Chief Executive Officer, Trevor Ierino, called the meeting to order at 10.25am.

The acting CEO explained that in the absence of the Mayor, Cr Byatt it was necessary for the councillors to elect a Chairperson. Mr Ierino called for nominations.

Cr Mahood nominated Cr Speedie, and Cr Watson seconded the nomination. Cr Speedie accepted the nomination.

In the absence of any other nominations the acting CEO declared Cr Speedie the chairperson.

2. Statement Of Acknowledgement

The chairperson read the following:

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

3. Apologies And Requests For Leave Of Absence

Apologies were received from Crs Byatt and Wangman, and the CEO, Patience Harrington.

4. Declaration Under Acts, Regulations, Codes Or Local Laws

Public notice of special council meeting

The acting CEO referred to the requirements of section 89(4) and 89(4A) of the *Local Government Act 1989*, whereby council must give at least seven days notice of a special meeting or where this is not achievable, specify the urgent or extraordinary circumstances which prevented the council from complying.

This meeting was called at 9.05am on Monday, August 26, 2013 and was held at 10.25am on the same day. The special meeting was called for the purpose of dealing with an amendment to the adopted budget that affected the rates notice. In order for council to issue rates notice without delay five councillors signed a notice directing the acting CEO to schedule the special meeting as a matter of urgency.

5. Declaration By Councillors Of Any Conflict Of Interest

There were no conflicts of interest disclosed.

- 6. Officer Reports For Determination**
 - 6.1 2013-14 BUDGET - SERVICE CHARGE (GARBAGE) AMENDMENT 4

7. Confidential Business

8. Close Of Meeting

There being no further business the meeting closed at 10.30am.

Minutes confirmed this day of 2013.

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Chairperson

2013-14 BUDGET - SERVICE CHARGE (GARBAGE) AMENDMENT**PURPOSE OF REPORT**

To request council to amend parts of resolution 8.5 "2013/14 Budget and Declaration of Charges" of the ordinary council meeting on 24th June 2013 due to the delay in the introduction of the 3 bin, organics waste system.

BACKGROUND

Council had proposed to introduce a 3 bin organics waste system on 1 March 2014. The 2013/14 Budget included a new service charge (garbage) accordingly. The commencement of the new service was dependent upon TPI/Cleanaway, Council's contracted garbage service provider, securing a planning permit for a proposed composting facility in Gerogery, NSW.

On Thursday 22nd August, the application by TPI/Cleanaway to construct a composting facility in Gerogery was refused by the Joint Regional Planning Panel (JRPP). This decision now becomes the decision of Greater Hume Shire Council. TPI/Cleanaway have advised they propose to lodge an appeal with the Land and Environment Court (NSW) as they believe their application is sound, worthy and likely to succeed.

This refusal however will delay the commencement of the construction of the facility by at least a number of months. The most recent advice to council noted that the earliest commencement date was 1st March 2014 and thus the budget (and subsequent resolution) was predicated on that time frame.

Commencement of the new waste system is now not possible until at least the following financial year and thus any reference to a start in this year should be removed from service charges (garbage) appearing on 2013/14 rates notices. Notices are now due to be issued to ratepayers.

An immediate amendment to the 2013/14 Budget service charges is required to ensure that the rates notices reflect the proper declaration of rates and charges as resolved by Council, and to ensure ratepayers are provided the longest possible notice period of their first rates instalment which is due 30 September 2013.

The necessary changes to resolution 8.5 from the meeting of 24th June 2013 are listed below:

- (a) Paragraph 3 in Part 8 of, be amended to replace "28 February" with "30 June" (extends the 2-bin service from 8 months to 12 months);
- (b) All paragraph 4, including sub-paragraphs (a)-(e) in Part 8 be deleted (removes reference to the 3-bin service);
- (c) Paragraph 1 in Part 10 be amended as follows - replace "28 February" with "30 June" (extends optional greenbin service from 8 months to 12 months);
- (d) Paragraph 3 in Part 10 be amended as follows - replace the number "\$69.00" twice appearing with "\$103.50" (adjusts the optional greenbin charge to reflect a full 12 month service); and,
- (e) Paragraph 4 in Part 10 be deleted (deletes a commentary regarding the expected implementation date of the 3-bin service).

2013-14 BUDGET - SERVICE CHARGE (GARBAGE) AMENDMENT (cont'd)**FINANCIAL IMPLICATIONS**

The changes as proposed will have nil net impact on the budget. Revenue to council will decrease by \$76,000 which will be offset by lower expenses paid for the 3-bin collection of the same amount.

LEGISLATIVE IMPLICATIONS

The Local Government Act permits a special meeting of council to be conducted without advance public notice for urgent or extraordinary matters. Due to the time frames necessary in the printing and supply of rate notices, this is considered to be an urgent matter.

Under section 89(4A) Council must specify the circumstances which prevented the Council from complying with the normal requirement to provide the public with 7 days notice of the meeting in the minutes.

Legal advice has been received that rates notices must reflect the proper declaration of rates and charges as resolved by Council.

OPTIONS FOR CONSIDERATION

Option 1 – Do nothing – not recommended

Option 2 – Amend the previous resolution removing all reference to the commencement of the new 3 bin organics waste system in the current financial year. This will ensure ratepayers are not charged for a service which will not be provided in this financial year, and will ensure ratepayers are provided the maximum possible notice period of the first instalment of rates due on 30 September 2013 – **recommended**.

CONCLUSION

The introduction of the 3 bin organics waste system will now be delayed until at least 2014/15 therefore any reference to a commencement this financial year should be removed.

Cleanaway are proposing to lodge an appeal to ensure development approval is granted as soon as possible.

As the budget, and therefore rates and charges for 2013/14 was predicated on a March 2014 commencement, a revision of the previous motion is recommended.

ATTACHMENTS

There are no attachments.

2013-14 BUDGET - SERVICE CHARGE (GARBAGE) AMENDMENT (cont'd)**DECLARATION OF CONFLICT OF INTERESTS**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Acting chief executive officer – Trevor Ierino

In providing this advice as chief executive officer,, I have no interests to disclose in this report.

Acting director business services – Mark Verbaken

In providing this advice as Director, I have no interests to disclose in this report.

RECOMMENDATION

That:-

- (a) The draft 2013/14 budget be adjusted to accommodate the changed introduction of the 3 bin, organics waste system until the following financial year;
- (b) Paragraph 3 in Part 8 of resolution 8.5 from the meeting of 24th June 2013, be amended as follows - replace “28 February” with “30 June”.
- (c) All paragraph 4, including sub-paragraphs (a)-(e) in Part 8 of resolution 8.5 from the meeting of 24th June 2013, be deleted.
- (d) Paragraph 1 in Part 10 of resolution 8.5 from the meeting of 24th June 2013, be amended as follows - replace “28 February” with “30 June”
- (e) Paragraph 3 in Part 10 of resolution 8.5 from the meeting of 24th June 2013, be amended as follows - replace the number “\$69.00” twice appearing with “\$103.50”; and
- (f) Paragraph 4 in Part 10 of resolution 8.5 from the meeting of 24th June 2013, be deleted.

MOTION

CRS. LISA MAHOOD / MICHAEL FRASER

That the recommendation be adopted.

(CARRIED)