



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Monday 20th June 2005 commencing at 9.03am.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, E A Green, J C Gribbin, T L Hunt, R H McWilliam, D F Saul, and B R Sowter.

General Manager, A V Burgess; Director Shire Services, K J Finnie; Director Sustainable Services, R B Pitt; Director Corporate Services, G B Snape, Pat Hanrahan; Minute Taker and Donna Pearson.



APOLOGY:

2005. 444

RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Sowter*

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



CONSIDERATION OF LATE REPORTS

2005. 445

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Howell*

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



ADOPTION OF AGENDA ORDER OF BUSINESS

2005. 446

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That item GM1 – Draft Management Plan be brought forward and dealt with prior to the Directors reports.

2005. 447

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. McWilliam*

That the Agenda Order of Business be adopted.



MAYOR'S SUPPLEMENTARY REPORT

MM1	SAFE DRIVER AWARENESS COURSE
SUPP.	FILE: * MJT

SUMMARY:

Reporting on proposals to commence a weekend driver safety and awareness course.



Councillors would be aware of the recent publicity in relation to proposals for a driver training course, and the possible use of Kempsey Airport as a suitable venue.

Attached at [Appendix A](#) is a copy of an item of correspondence received.

I have sought information from Council staff on the proposals, and the report attached at [Appendix B](#) has been provided.

2005. 448

RESOLVED:

*Moved: Cl. Hayes
Seconded: Cl. Hunt*

1. That Council supports the Lions Club Safe Driver Awareness Course and subject to a Development and Special Events Management Application being approved, supports the course to be conducted at the Kempsey Airport facility.
2. Road Safety Officer to consult with airport users to limit the impact of the course on their activities.

The Mayor noted that the above resolution was carried unanimously.



GENERAL MANAGER'S REPORT

GM1	DRAFT MANAGEMENT PLAN
	FILE: 339 AVB

SUMMARY:

Reporting to Council on the results of the public exhibition of the Draft Management Plan.



The Draft Management Plan has been on public exhibition from Tuesday, 17 May to 9.00am 14 June and the public has been invited to forward submissions where they have concerns.

A major proposal under the Management Plan is to apply to the Minister for Local Government for a Special Rate Variation of 7% over and above the 3.5% allowed by the Government for the 2005/06 year. A newsletter outlining the reasons for the application was delivered or posted to every household in the shire. Additional copies of the newsletter were made available at the Civic Centre, the libraries and other key locations throughout the Shire.

As well as inviting residents to make submissions in writing, by email, by Fax or by downloading the feedback form on Council's website in respect of the Special Rate Variation, a public meeting to discuss the Management Plan was held on Tuesday, 24 May and was attended by twenty-four (24) people. The concerns expressed at that meeting are outlined in [\(Appendix A\)](#). At that meeting when asked to vote on the Special Rate Increase all 24 participants voted against the proposal.

WRITTEN SUBMISSIONS RECEIVED IN RESPECT OF THE MANAGEMENT PLAN ARE:

SPECIAL RATE INCREASE

In Favour	Conditionally Agree	Against
1	4	64

South West Rocks and Gladstone Pools remaining open unmanned

Against 90 Plus a petition of 458 signatures

A copy of all submissions have been provided to councillors under separate cover. One late submission from Mr C Ripps has been included.

The last day that council can make its rates is the 31 July. The department each year processes a large number of applications for rate increases and with limited resourced within the department the process is generally slow. For this reason council's application for a special rate variation for the 2005/06 year was submitted on the 1 June in line with the minister's request. The application can be withdrawn if council decides not to proceed with the special variation.

When considering the draft budget for 2005/06 in April, I outlined the need for additional staff resources as follows:-

- Increase the Website Administrators position from 28 hours to 35 hours \$9,400
- Records Trainee \$24,000
- Sustainable Development Support Operator \$30,000
- Shire Services Development Support Operator \$30,000
- Small Business Support \$40,000
- Computer Hardware \$20,000

Council at its meeting held on the 14 June also referred Strategic Planning Resources to this meeting.

In Business Support one staff member has to oversee and facilitate a capital expenditure program on the caravan parks of \$1.9 million and Council has voted \$300,000 capital works to be undertaken at the Saleyards next year. One person cannot undertake all of that work. The workplace is becoming more computerised including Councillors requiring more and more help from the IT helpdesk. The workflow into each of the departments is forever increasing as community expectations rise. With increased community participation the work of records and departmental support staff has also increased.

The above employment issues need to be addressed by Council.

The General Manager's Performance Review Committee resolved on the 5 May 2005 that I report to Council on the projects being funded under the Environmental Levy. The revised schedule to be included in the budget document is attached [\(Appendix B\)](#)

The schedule has been revised to include the revised 2004/2005 budget allocations.

The following changes need to be made to the Management Plan.

Page No 17

Amend description of services for footpaths/cycleways to "Provide a network for the safe movement of pedestrians and cyclists by maintaining and upgrading existing facilities".

Page No 20

Delete September 2005 and replace with July 2006 in first issue.

Amend Customer Service from "Service Charters are in place for both local and regional" to "Service Charters are in place for both commercial and domestic customers".

Page No 21

Additional Service Standard and Performance Measure for ensuring sustainability of shires Transportation Infrastructure being: -

Service Standard

"We will complete risk assessments on all roads".

Performance Measure

"Risk assessments completed and defects prioritised".

Additional Service Standard and Performance Measure for cost effective provision of infrastructure being: -

Service Standard

"We will complete the annual works program to budget".

Performance Measure

"Number of projects completed".

Additional objective with associated strategy, service standards and performance measure: -

Objective

"Minimise workplace incidents".

Strategy

"Provide adequate safety training and safety equipment to staff – Responsible Officer, Manager Works".

Service Standards

"We will undertake workplace safety audit;
We will provide protective equipment to staff".

Performance Measure

"Number of safety audits undertaken".

Page No 22

Add "In conjunction with Midwaste" to first Service Standard.

Additional objective with associated strategy, service standards and performance measure: -

Objective

"Minimise workplace incidents".

Strategy

"Provide adequate safety training and safety equipment to staff – Responsible Officer, Manager Works".

Service Standards

"We will undertake workplace safety audit;
We will provide protective equipment to staff".

Performance Measure

"Number of safety audits undertaken".

Page No 30

Delete "At the Rate of 90% overall satisfaction" from the second service standard.

Page No 37

Water Quality

Amend the key issues by replacing the word "involvement" with "improvement".

Page No 47

Delete "Finalising Bushfire Prone Lands Maps" from Development Application process issues.

Page No 49

Add Health and Building Manager to responsible officers for "Increasing efficiency of the Development Assessment System".

Page No 50

Objective

Growth in business and employment opportunities.

Amend performance measure to state:

"We were make direct contact with *an average of 10* businesses per month".

Create an additional performance measure of:

"We will facilitate an average of 200 email and telephone enquiries related to economic development activities per month".

Objective

Adequate supply of commercial and industrial land available in Kempsey and South West Rocks.

Include the following service standard and performance measure: -

"We will maintain a data base to monitor the supply of commercial and industrial land".

Performance Measure

"The data base will be updated on a monthly basis".

Objective

Community and Council staff are aware of the role and activities of the Economic Development Office.

Include the following service standard and performance measure: -

"We will publish newsletters to promote Council's economic development activities".

Performance Measure

"2 News bulletins are published annually".

Page No 71

Delete last performance measure and replace with "Customer First Centre resolves enquiries in 60% of cases at first contact by 30 June 2006".

Page No 75

Add to bottom of page "The Department of Local Government approval of the Environmental Levy was not an endorsement of the projects to be undertaken with the additional revenue raised. If Council wishes to amend its Environmental Works Program it may do so after exhibition of the changes".

Page No 79

Include "Review Development Control Plan No 22 Local Housing Strategy" in SOE Report Land.

Page No 80

Delete "A grant of up to \$50,000 matched by Council, has been received to commence the management Plan process for the Macleay River" from the paragraph on Coastal and Estuary Management.

Page No 89

A final check on estimated general rate revenue revealed that for the residential – other category the estimated income from the base yield exceeded 50% of the category's total yield. This is not permissible. This category has now been recalculated with the base amount reducing from \$286.00 to \$285.00 offset by an increase in the ad valorem rate from 0.4116 cents in the \$ to 0.4130 cents in the \$. The result is cost neutral for Council. The effect of this variation on individual ratepayers can be gauged from the following examples: -

ADVERTISED RATING			REVIEWED RATING		
Base	Ad Valorem	Total	Base	Ad Valorem	
286.00	183.57	469.57	285.00	184.20	
286.00	231.32	517.32	285.00	232.11	
286.00	658.56	944.56	285.00	660.00	

Properties with an LV of less than \$70,000 will pay marginally less, whilst those above will pay marginally more in general rate for this category.

Page No 96

Amend item b) by deleting the words "based on the number of dwelling units and the equivalent".

Amend "The charges proposed for 2005/06" to "The availability charges (charge a) above) proposed for 2005/06".

Amend financial summary to include

"Plus: Jerseyville Local Loan Charge (@ \$307)

Amend the local loan charge for Greenhill from \$280 to \$307 in accordance with the fee structure adopted by Council.

Add the following clauses:

1. The usage charge (charge b) above of \$1.26 per kl deemed discharge to the sewers.
2. The deemed discharge to sewer will be based on the actual water usage through the water meter multiplied by a discharge factor, which is based on the type of business operated by the enterprise. The discharge factors applicable are set out in [\(Appendix C\)](#)
3. The liquid trade waste charge (charge c) above) will apply to premises discharging waste to sewer, which contains material, or chemicals not found in domestic sewage. These charges are set out in [\(Appendix D\)](#)
4. Council has identified 11 non-residential customers, which warrant specific assessment. These customers will have a phase in period for the access charge according to [\(Appendix E\)](#)

Page No 97

The second paragraph states "The service is deemed to be available where the property has been provided with a Council supplied receptacle".

This paragraph should be deleted and replaced by: -

"Where a property has been provided with a Council supplied receptacle a domestic waste management service charge based on the frequency of such service shall apply."

Page No 99

The first line should be amended to read "Kempsey Shire Council is able to levy contributions for public amenities and services provided by Council required"etc.

Since the exhibition of the Management Plan a number of adjustments have been made to the budget.

	\$	
Balance as per draft budget		34 978
Savings PAMP Program		10 000
Savings Councillor Fees		4 500
Boyers Lane Section 94 & Loan		<u>240 000</u>
	\$289 478	
Management Gladstone & SWR Pools		84 000
Donation to Rural Counselling Service		3 000
Aboriginal Liaison Officer		1 150
Community Development Worker		2 850
Pilot Station Rental Loss		8 000
Boyers Lane		<u>240 000</u>
	\$339 000	

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Council needs to have a balanced budget for 2005/06. Adoption of the Management Plan will enable Council to levy its rates for the 2005/06 year and provide its budgeted works and services.

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

As per report.

General Manager's Recommendation:

1. That Council consider the submissions received as a result of advertising of the Draft Management Plan and make any necessary adjustments to the budget and Management Plan and adjust the Management Plan as outlined in this report.
2. That the Management Plan for the 2005 / 06 year be adopted.

MOVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

1. That items as listed below totalling \$341,000 in the 04/05 Budget be deleted and the funds utilised in the 05/06 Budget for specific maintenance works:-

- \$55,000 Nicholson Street/West Street intersection
- \$30,000 Toorumbree Creek Road Resheeting
- \$116,000 Sturt Street Reconstruction
- \$40,000 Middleton Street Reconstuction
- \$100,000 Phillip Drive/Russell Street Intersection

and;

That the following adjustments are made in the 2005 / 06 draft Budget to reduce revenue expenditure by \$500,000 in total:-

- a. \$100,000 for SWR MasterPlan to be funded from loan funds in 2004 / 2005 be deferred and these loan funds of \$100,000 be allocated to the Phillip Drive / Russell Street Intersection project in 2005 / 2006.
 - b. \$167,000 for the Kempsey MasterPlan to be funded from loan funds in 2004 / 2005 be deferred and these loan funds of \$167,000 be re-allocated to part fund the Town Improvement Program for 2005 / 2006 which was to funded from revenue, with the resultant \$167,000 revenue savings being allocated to roads specific maintenance works.
2. That council write to the Department of Local Government to advise it wishes to defer its application for a Special Rate Increase.

An Amendment was MOVED:

*Moved: Cl. Howell
Seconded: Cl. Gribbin*

1. That items as listed below totalling \$341,000 in the 04/05 Budget be deleted and utilised in the 05/06 Budget for specific maintenance works:-

- \$55,000 Nicholson Street/West Street intersection
- \$30,000 Toorumbree Creek Road Resheeting
- \$116,000 Sturt Street Reconstruction
- \$40,000 Middleton Street Reconstuction
- \$100,000 Phillip Drive/Russell Street Intersection

and;

That the following adjustments are made in the 05/06 draft Budget to reduce revenue expenditure by \$500,000 in total:-

- a. \$100,000 for SWR MasterPlan to be funded from loan funds in 2004 / 2005 be deferred and these loan funds of \$100,000 be allocated to the Phillip Drive / Russell Street Intersection project in 2005 / 2006.
- b. \$167,000 for the Kempsey MasterPlan to be funded from loan funds in 2004 / 2005 be deferred and these loan funds of \$167,000 be allocated to part fund the Town Improvement Program for 2005 / 2006 which was to be funded from revenue, with the resultant \$167,000 revenue savings being allocated to roads specific maintenance works.

2. That council write to the Department of Local Government to advise it wishes to withdraw its application for a Special Rate Increase.

2005. 449

The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Councillor Green recorded her vote against the foregoing resolution.

At this stage, 9.50am, Councillor Green adjourned from the Chambers.

2005. 450

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Saul*

1. That the allocation of \$100,000 to Resource Sharing in 2005 / 2006 be reduced to \$12,000 and \$84,000 be re-allocated for management at the South West Rocks and Gladstone swimming pools and \$4,000 be re-allocated to additional staff resources.

1. That the Strategic Landuse Planning Programs in 2005 / 2006 be reduced from \$101,000 to \$50,000 and the balance of \$51,000 be allocated towards the employment of a full time Website Administrator, Records Trainee and Small Business Support person.

3. That Trial Bay Creek Bridge funding of \$130,000 being \$100,000 from reserves and \$30,000 from revenue be funded from reserves of \$100,000, loan funds of \$30,000 and \$30,000 revenue be re-allocated to staff resources.

2005. 451

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Howell*

That the following amendments be made to the 2005 / 2006 draft budget;

decreased expenditure

- PAMP Program \$10,000
- Councillors fees \$4,500

increased income

- Boyters Lane Section 94 & Loan \$240,000

increased expenditure

- Aboriginal Liaison Officer \$1,150
- Community Development Worker \$2,850
- Boyters Lane \$240,000

decreased income

- Pilot Station Rental \$8,000

Councillor Saul recorded his vote against the foregoing Resolution.

2005. 452

RESOLVED:

*Moved: Cl. Gribbin
Seconded: Cl. Howell*

That Council adjust the 2005 / 2006 Management Plan and adjust the Management Plan as outlined in this report.

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

SUMMARY:

Reporting that consideration needs to be given to revoke money allocated to projects/programs for 2004 / 05 administered by Council's Sustainable Development Services Department.



For a variety of reasons, money allocated to a number of projects administered by Council's Sustainable Development Services Department requires revoting for the 2005/06 financial year to which the following comments relate. [\(Appendix A\)](#)

Strategic Planning

- Saltwater LEP – This is a developer funded project and unexpended funds held by Council are required to be revoked until the project has been completed.
- Ex Oil Terminal LEP - This is a developer funded project and unexpended funds held by Council are required to be revoked until the project has been completed.
- Residential Land Release Strategy – Just over half the allocation of \$10,000 has been spent with the project delayed by the resignation of the strategic planner. The project is considerable and is likely to take at least another year to complete with a further \$40,000 allocated for 2005/06 and the balance should be carried over.
- Spencerville Distributor Road – This project has been deferred pending preparation of a master plan for the area \$28,000 was previously reallocated to the Master Plan project with a small amount retained to complete the consultants report which has now been finalised. The remaining amount of \$958 should also be transferred to the master plan project.
- Spencerville/ New Entrance Master Plan – This project could take two (2) years to complete as it relies on a flora and fauna survey for which consultants have been engaged. The remaining \$59,990 is therefore committed.
- Catchment Study, Spencerville – The allocation of \$15,000 was reduced from an original allocation of \$50,000 as Shire Services were able to obtain funding for the project. The project has commenced and the funds have been committed.

Environmental Rehabilitation

- Water Quality Monitoring - Only \$30,000 of the original allocation of \$44,000 will be spent with the balance of \$14,000 not required.
- Macleay River Management Plan – This project is jointly grant funded by DIPNR. DIPNR has recently confirmed it's share of funding which has held the project up. Consultants have completed Stage I (Data Compilation) for which a commitment of a further \$50,000 has been made with the balance required to match DIPNR funding for Stage II (Process Study).
- Korogora Creek Study – This project has not commenced as Council has been awaiting confirmation of matching funding from DIPNR. DIPNR have now confirmed their share and \$20,000 is required to be revoted.
- Pola Creek Restoration – Although almost completed, drain clearing works are required using heavy machinery, the cost of which has not been fully determined at this stage. This project is funded from the Environmental Levy and the money should be revoted to complete the project. Any unspent money could be reallocated to other projects.
- Killick/ Saltwater Creek and Boyters Lane Management Plans – Draft plans have been received which require review prior to public exhibition and the money has been committed.
- Saltwater Creek Flood Study – This study is being jointly funded by a developer, DIPNR and Council. The study is nearing completion and the funds have been committed.
- Ptolomy's Scald, Raffertys Drain, Sillitoes Drain and Thurgoods Drain Projects – Are all grant funded by DIPNR. All projects have been commenced and are dry weather dependant.
- Maria River Floodplain – This project is fully grant funded and the unspent funds are required to complete a number of drain rehabilitation projects.
- Macleay River Projects – The reason \$32,000 of the \$40,000 allocated from the Environmental Levy remains unspent is that on the basis of the various successful programs the funding established, Council was successful in obtaining \$36,000 from DIPNR. The fund provides vital seed funding for a range of rehabilitation projects and it is recommended that the funds be rolled into the ongoing program.

Economic Development

- Invest Macleay Brochure – The funds are fully committed and the brochure is due to be printed in June 2005.
- Transport Inspection Day – This has not been given a high priority by MDAP, however, Council' at it's meeting of 14 June 2005, resolved that the matter be given priority and the money will need to be revoted.
- Entrance Statement – Consultants have prepared a draft report and the funds are fully committed.
- Newsletter – The second newsletter has been completed and sent for printing and the funds are therefore fully committed.
- Town Marketing Plan – Has been completed and we are awaiting an account.
- Industry Prospectus – Funds are fully committed with the Prospectus currently with the printer.
- Industry Networking Group - The project has been unable to be commenced and revoting to 2004/05 will enable completion.
- Farmers Market - \$10,000 has been allocated over 2 years with the remaining \$1,700 required to finalise the project.
- Home Based Business Workshops – Council is currently awaiting confirmation of a guest speaker to hold a function in July 2005 and the funds are committed.

REPORT IMPLICATIONS:

- ***Environmental***

Unless a number of revotes are agreed to several important environmental programs may not proceed.

- ***Economic (Financial)***

Whether or not funds are revoted funding of current and future programs will be affected.

- ***Policy or Statutory***

Nil

**Director Sustainable Development Services
Recommendation:**

That funds for programs being undertaken by Council's Sustainable Development Services Department be reallocated in accordance with the above report.

2005. 453

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. McWilliam*

1. That funds for programs being undertaken by Council's Sustainable Development Services Department be reallocated in accordance with the above report.
2. That the balance of \$14,000 from Water Quality Monitoring be revoted in 2005 / 06 toward staff salaries.

DIRECTOR SHIRE SERVICES REPORT

DSS1	REVOTES FILE: *
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SUMMARY:

Reporting on requests for revotes for Shire Services Department.



Attached at [\(Appendix A\)](#) is a list of projects not yet completed and funds not fully expended seeking a revote of funds for 2005/2006. A number of projects will be partly completed and a number of projects, being undertaken by contractor, will have the funds committed but not expended.

The Elbow Street Car Park project is on hold pending purchase of the property. Funds for the development of Forth Street are only \$6,670. Plans have been developed to provide for a Bus/Caravan Parking area in Forth Street, at an estimated cost of \$60,000. Council is asked to revote these funds, and provide a supplementary vote in 2005/2006 of \$24,000 to allow that project to proceed.

Some Water & Sewer projects are continuing schemes over a number of years, like Hat Head Sewerage. South West Rocks Water Treatment Plant is a contract project subject to tender with completion due at the end of 2005.

Open Space & Recreation projects, generally a combination of revenue and Section 94 funds, are utilized by User Groups or Sports Associations, with the timing of expenditure dependent on

volunteers. It is felt that to withdraw these funds would be counterproductive for Council.

I need not remind Council that the road network is in serious need of a huge injection of funds. If successful, the application for the Special Rate Variation will provide a much-needed injection of funds to prevent further deterioration in our road network such as:

- Reductions in the surface condition, ride, comfort and safety for motorists
- A decrease in the life expectancy of the road pavement
- Low priority sealed roads may revert to a gravel surface
- An increase in the backlog of works and resultant financial burden
- An increase in risk exposure for Public Liability claims.

Without a special rate increase, Council's current projected budget for 2005/06 for specific road maintenance such as resealing, pavement strengthening and gravel resheeting, is \$2.25 million. The actual required budget to fund necessary works in 2005/06 is \$8.16 million resulting, in a deficit of \$5.91 million. Unless current funding levels are increased for specific road maintenance, the accumulated deficit in deferred works will increase from \$5.91 million in 2005/06 to \$37.91 million in 2016/17.

For every dollar spent now can save up to ten times the cost of future road repairs by undertaking periodic preventative maintenance.

Council's strategic emphasis for roads is to give priority to funding specific maintenance so that the existing road network is maintained at sustainable levels ahead of new capital works.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Revoting of the funds requested will allow completion of the projects nominated and address community expectations.

- ***Economic (Financial)***

The economic implications are shown throughout the report.

- ***Policy or Statutory***

Grant funds are acquitable for specific projects and cannot be reallocated without Agency approval. Grant funds have a

final date for expenditure of either July 31st or September 30.

- *Director's Comment*

Council is asked to support the recommendations.

Director Shire Services Recommendation:

1. That the funds shown within the appendix be revoked.
2. That consideration be given to providing \$24,000 in the 2005/2006 budget for the Forth Street Bus/Caravan Area.

2005. 454

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Hunt*

1. That the unexpended funds as at 30th June 2005 of the projects shown within the appendix be revoked with the exception of those outlined in resolution number 1 of report GM1 dealt with earlier in the meeting.
2. That consideration be given to providing \$24,000 in the 2005 / 2006 budget for the Forth Street Bus/Caravan Area.

DIRECTOR CORPORATE SERVICES REPORT

DCS1	SEWERAGE ACCESS AND USAGE CHARGES
	FILE: *GBS

SUMMARY:

Reporting on the development of a draft Policy to define the categories to be used for sewerage charges.



The 2005/06 Draft Management Plan proposed adoption of new best practice sewerage pricing with categories for –

- Residential, and
- Non-residential

A draft Policy has been prepared to define how the sewerage charges will be applied. The policy addresses the circumstances

where a single property has "mixed development" ie. some residential and some non-residential usage.

A copy of the draft Policy "Definition of Categories Used for Sewerage Access and Usage Charges" is attached at [\(Appendix A\)](#).

In brief where mixed development (residential and non-residential) occurs in strata units, each unit will be charged the residential charge, whereas mixed development in the one ownership will be charged the non-residential access charge plus a charge per kilolitre discharged to the sewer.

An issue which arises is that of Holiday Flats which currently are charged a sewerage charge of 50% of the ordinary residential sewerage charge per unit. Under the new pricing structure Holiday Flats would be categorised as "Residential" and charged accordingly, ie. sewer charges increased from \$249.50 to \$499 per unit.

The Policy also covers provisions for relief to customers for fire service access charges.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Included in body of report.

- ***Policy or Statutory***

New Policy proposed to define categories for new sewerage charges.

- ***Director's Review***

As per Report.

2005. 455

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sowter*

That the Policy "Definition of Categories Used for Sewerage Access and Usage Charges" be adopted.

SUMMARY:

Reporting on Capital Works expenditures and estimated unexpended balances as at 30th June 2005.



Attached at [\(Appendix B\)](#) is a schedule of 2004/05 Capital Works which are the responsibility of the Corporate Services Department. The schedule shows expenditure Year To Date (Y.T.D.); Estimated Total Expenditure to 30th June; and Estimated Balance Unexpended. Also shown is the Source of Funds.

The allocation for Capital Works Expenditures have generally been fully expended with the following exceptions: -

1. Civic Centre	Estimated Balance Unexpended	Source of Funds
Office Re-organisation	\$191,198	Loan
Engineering Offices – Air Conditioner	\$1,500	Revenue
Paint/Repair eaves	\$5,000	Revenue

These items have been deferred pending implementation of the Customer First Centre

2. Caravan Parks	Estimated Balance Unexpended	Source of Funds
Crescent Head Compliance Works	\$355,673	Reserve
Crescent Head New Cabins	\$349,545	L/R
Hat Head Upgrade	\$440,218	Loan
Stuarts Point Upgrade	\$240,147	L/R
Grassy Head Upgrade	\$161,066	Loan
Cabin Replacement	\$120,000	Reserve

3. Saleyards	Estimated Balance Unexpended	Source of Funds
Truckwash	\$4,040	Loan
Effluent Treatment System	\$15,000	Loan

Upgrade Program	\$19,598	Loan
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The Saleyards program of works has been substantially completed with some relatively minor works to be carried over into the next financial year eg. perimeter fencing for effluent ponds. Revote of these funds is requested.

REPORT IMPLICATIONS:

- **Environmental**

Nil

- **Social**

Nil

- **Economic (Financial)**

Nil

- **Policy or Statutory**

Nil

- **Director's Review**

As per Report.

Director Corporate Services Recommendation:

That the information be noted.

2005. 456

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Gribbin*

1. That the information be noted.
2. That the unexpended amounts detailed in the report as at 30th June 2005 be revoted in 2005/2006.
3. That the Caravan Park Committee be provided with an updated report on the unexpended funds for caravan park works.

GENERAL MANAGER'S REPORT

GM1	DRAFT MANAGEMENT PLAN FILE: 339 AVB
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This report was dealt with earlier in the meeting.

GM2	MAKING OF RATES AND CHARGES FOR 2005/2006 FILE: R1-2 JCC
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SUMMARY:

Reporting on the requirements for Council to make rates and charges for the year 1st July 2005 to 30th June 2006.



A rate or charge must be **made** before the 1st August in the year for which the rate or charge is made.

Council's rating/charges proposals for the 2005/2006 year were advertised as required in the Draft Management Plan.

As reported in a previous report to this meeting an error in the rating for the residential - other category has been corrected and this amendment is included in this report. (refer to GM1, Page K5)

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

The rates and charges proposed to be set by Council are the basis for the estimated incomes as shown in the 2005/2006 budget.

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

Nil

General Manager's Recommendation:

That whereas Council has given public notice of its Draft Management Plan for the year 2005/2006, 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 Val Orem 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 2005 pursuant to Section 494 of the Local Government Act 1993:-

Special Variation Approved

Category	Sub-Category	Base amount		Plus Ad Valorem
		\$ Yield	%	Cents in \$
Farmland	Farmland	403.00	37.76	0.3316
	Farmland – Sec 585		0.00	0.3316
Residential	Other	285.00	49.92	0.4130
	Other – Sec 585		0.00	0.4130
	Crescent Head	223.00	22.85	0.3341
	South West Rocks/ Arakoon	290.00	36.62	0.3319
	South West Rocks/ Arakoon – Sec 585		0.00	0.3319
	South West Rocks – Residential – MDAF	290.00	24.32	0.3319
	Hat Head	46.00	5.57	0.3589
Business	Kempsey CBD	30.00	1.63	0.9613
	Other	30.00	3.32	0.9613
	Crescent Head	30.00	1.12	0.7095
	South West Rocks/ Arakoon	30.00	1.69	0.6068
	South West Rocks – Business – MDAF	30.00	1.50	0.6068
	Hat Head	30.00	1.71	0.7095
	Mining	30.00	2.56	0.9613
Mining		30.00	0.00	0.9613

- 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 Val Orem 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 2005 pursuant to Section 494 of the Local Government Act 1993:-

Category	Sub-Category	Base amount		Plus Ad Valorem
		\$ Yield	%	Cents in \$
Farmland	Farmland	378.00	37.79	0.3106
	Farmland – Sec 585		0.00	0.3106
Residential	Other	267.00	49.96	0.3863
	Other – Sec 585		0.00	0.3863
	Crescent Head	209.00	22.86	0.3129
	South West Rocks/ Arakoon	272.00	36.66	0.3108
	South West Rocks/ Arakoon – Sec 585		0.00	0.3108
	South West Rocks – Residential – MDAF	272.00	24.34	0.3108
	Hat Head	43.00	5.56	0.3363
Business	Kempsey CBD	30.00	1.74	0.9001
	Other	30.00	3.54	0.9001
	Crescent Head	30.00	1.20	0.6644
	South West Rocks/ Arakoon	30.00	1.80	0.5681
	South West Rocks – Business – MDAF	30.00	1.60	0.5681
	Hat Head	30.00	1.83	0.6644
	Mining	30.00	2.73	0.9001
Mining		30.00	0.00	0.9001

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 Val Orem rate)

4 That the following Domestic Waste Management Service charges be now made for the year 2005/2006 pursuant to the provisions of section 496 of the Local Government Act 1993:-

Category	Charge Per Annum
Weekly	\$135.60
Fortnightly	\$112.20
Vacant Lands – Urban	\$30.00

5 That the following Commercial Waste Service charge be now made for the year 2005/2006 pursuant to the provisions of Section 501 of the Local Government Act 1993:-

Per single weekly service (240 Litre Sulo) \$132.10

- 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 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 2005 to 30th June 2006:-

a Access Charge

A charge per meter of:-

Meter Size (mm)	Access Charge (\$)
Vacant	265.00
20	265.00
25	276.00
32	654.00
40	1021.00
50	1593.00
80	4073.00
100	4620.00
100 (half charge)	2310.00
150	7117.00

B Usage Charge

1. 86.0c per Kilolitre for all water consumed.

8 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 2005 to 30th June 2006:-

a. Access Charge

Residential – Sewerage Base Charge
Unconnected Properties (per annum) \$307.00

Residential – Sewerage Base Charge
Connected Properties (per annum) \$499.00

Non-Residential (per connection size)

Water Meter	Access Charge
-------------	---------------

Size (mm)	
Vacant	\$307.00
20	\$447.00
25	\$698.00
32	\$1,144.00
40	\$1,787.00
50	\$2,792.00
80	\$7,147.00
100	\$11,168.00
150	\$25,127.00

- b. **Non-residential Usage Charge**
Sewerage Usage Charge (per kl) \$1.26
- c. **Greenhill Sewerage Area**
A Local Loan charge in respect of each unconnected chargeable assessment of \$307.00 p.a.
- d. **Jerseyville Sewerage Area**
A Local Loan charge in respect of each unconnected chargeable assessment of \$307.00 p.a.

2005.457

RESOLVED:

*Moved: Cl. Howell
Secinded: Cl. Saul*

That whereas Council has given public notice of its Draft Management Plan for the year 2005/2006, and has taken into consideration submissions made in respect thereof, it is now resolved:-

- 1 That the Base Amount plus Ad Val Orem 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 2005 pursuant to Section 494 of the Local Government Act 1993:-

Category	Sub-Category	Base amount		Plus Ad Valorem
		\$ Yield	%	Cents in \$
Farmland	Farmland	378.00	37.79	0.3106
	Farmland – Sec 585		0.00	0.3106
Residential	Other	267.00	49.96	0.3863
	Other – Sec 585		0.00	0.3863
	Crescent Head	209.00	22.86	0.3129
	South West Rocks/ Arakoon	272.00	36.66	0.3108

	South West Rocks/ Arakoon – Sec 585		0.00	0.3108
	South West Rocks – Residential – MDAF	272.00	24.34	0.3108
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Business	Kempsey CBD	30.00	1.74	0.9001
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	Hat Head	30.00	1.83	0.6644
	Mining	30.00	2.73	0.9001
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Fortnightly	\$112.20
Vacant Lands – Urban	\$30.00

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Per single weekly service (240 Litre Sulo) \$132.10

- 4 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.
- 5 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 2005 to 30th June 2006:-

a Access Charge

A charge per meter of:-

Meter Size (mm)	Access Charge (\$)
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25	276.00
32	654.00
40	1021.00
50	1593.00
80	4073.00
100	4620.00
100 (half charge)	2310.00
150	7117.00

B Usage Charge

a. 86.0c 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 2005 to 30th June 2006:-

a. Access Charge

Residential – Sewerage Base Charge
Unconnected Properties (per annum) \$307.00

Residential – Sewerage Base Charge
Connected Properties (per annum) \$499.00

Non-Residential (per connection size)

Water Meter Size (mm)	Access Charge
Vacant	\$307.00
20	\$447.00
25	\$698.00
32	\$1,144.00
40	\$1,787.00
50	\$2,792.00
80	\$7,147.00
100	\$11,168.00
150	\$25,127.00

b. Non-residential Usage Charge
Sewerage Usage Charge (per kl) \$1.26

c. Greenhill Sewerage Area
A Local Loan charge in respect of each unconnected chargeable assessment of \$307.00 p.a.

- d. **Jerseyville Sewerage Area**
A Local Loan charge in respect of each unconnected chargeable assessment of \$307.00 p.a.

GM3	2005/2006 FEES AND CHARGES
	FILE: A2-12 JCC

SUMMARY:

Reporting on the advertisement of the proposed 2005 / 2006 fees and charges with the Draft Management Plan.



As part of the Draft Management Plan, the proposed "2005/2006 Fees and Charges" document was exhibited and comments were sought regarding those fees and charges.

As at the date of adoption of the Draft Management Plan (including Fees and Charges), advice on the maximum allowable Interest Charge on Overdue Rates had not been received from the Department of Local Government. That information has now been received with the allowable maximum charge remaining at 9.00%. Council in the past has adopted the maximum as the rate to be charged. Consequently, this is the interest charge now proposed for the 2005/06 Fees and Charges for all funds.

Also as at the date of adoption of the Draft Management Plan, Council was yet to consider a report on Sewerage Pricing. At its meeting of the 10th May 2005 Council adopted the charges as per Appendices C, D and E" for inclusion in its 2005/06 Draft Management Plan.

At its meeting of 18th January, 2005, Council considered a report on the Jerseyville Sewerage scheme where it was reported that a one off fee of \$2,000 should be charged for the provision of a pump station and connection thereto, with an annual low pressure grinder pump system maintenance plan fee of \$100 also to apply. This annual fee is to be included in a maintenance agreement. Should the ratepayer decide that they wish to personally arrange maintenance of the pump system from another source this fee would not be applicable. This system is also to be utilized at Greenhill. Council needs to formally adopt the fees reported in January, for inclusion in Council's Fees and Charges.

Macleay Water has identified two (2) areas where access charges should be made. These are 'Access to the Water Supply Scheme for Non-Urban Properties' and 'Access to the Water Supply Scheme for Marginal Areas'. The proposed fee recommended for each category

is \$2,500. There is no significant demand for either category, however the charge should be included in Council's Fees and Charges.

The 'Tree Preservation Order' charge for was not available as at the date of consideration of the Draft Management Plan. The charge currently applicable is \$30. It is recommended that the fee for 2005/06 remain at that level. Income raised from this fee in 2003/04 totaled \$1,860. Income for 2004/05 as at 7th June, 2005 is \$2,040.

Community Services Section advises that provision should be made for two (2) further fees to be included in the document, being:

- 1 Hire of Council Buses – Price (including GST) on application; and
- 2 Community Services policies, plans, and directories where document is greater than 20 pages - \$11.00 (GST inclusive).

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

The Fees and Charges proposed to be set by Council are the basis for the estimated incomes as shown in the 2005/2006 Budget.

- ***Policy or Statutory***

Nil

- ***General Manager's Review***

As per report.

General Manager's Recommendation:

That the Draft Schedule of Fees and Charges applicable as from the 1st July 2005 to 30th June 2006 as attached to the 2005 / 2006 Draft Management Plan be adopted, subject to the following amendments:

- | | |
|---|--------------|
| 1. Interest on Rates and Charges | 9.00% |
|---|--------------|

2. Sewerage and Liquid Trade Waste Charges As per appendices C, D and E
3. Sewerage - Provision of Low Pressure Grinder Pump and Chamber and connection \$2000.00
4. Sewerage - Low pressure Grinder Pump System Maintenance Plan Fee \$100.00
5. Water – Access to Water Supply Scheme For Non-Urban Properties \$2500.00
6. Water – Access to Water Supply Scheme For Marginal Areas \$2500.00
7. Tree Preservation Order Application Fee \$30.00
8. Hire of Council Buses Price on Application
9. Community Services policies, plans, and directories \$11.00
10. Sewerage Access Charge – Unconnected Vacant properties \$307.00
11. Greenhill Sewerage Local Loan charge \$307.00
12. Trade Waste Fees As per appendix F

2005. 458

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Saul*

- a. That the objection received to development advertising fees be noted.
- b. That the Draft Schedule of Fees and Charges applicable as from the 1st July 2005 to 30th June 2006 as attached to the 2005 / 2006 Draft Management Plan be adopted, subject to the following amendments:
 1. Interest on Rates and Charges 9.00%
 2. Sewerage and Liquid Trade Waste Charges As per appendices C, D and E
 3. Sewerage - Provision of Low Pressure Grinder Pump and Chamber and connection \$2000.00
 4. Sewerage - Low pressure Grinder

	Pump System Maintenance Plan Fee	\$100.00
5.	Water – Access to Water Supply Scheme For Non-Urban Properties	\$2500.00
6.	Water – Access to Water Supply Scheme For Marginal Areas	\$2500.00
7.	Tree Preservation Order Application Fee	\$30.00
8.	Hire of Council Buses	Price on Application
9.	Community Services policies, plans, and directories	\$11.00
10.	Sewerage Access Charge – Unconnected Vacant properties	\$307.00
11.	Greenhill Sewerage Local Loan charge	\$307.00
12.	Trade Waste Fees	As per appendix F
13.	Food Inspection Fees	Category 1 \$78.00 Category 2 \$120.00

2005. 459

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. McWilliam*

That the Management Plan for the 2005 / 06 year as amended be adopted.

GM4	ANNUAL RISK HAZARD LIST
	FILE: 67 PJH

SUMMARY:

Reporting of the need to consider allocation of funds for potential risks identified on Council's Risk Management Hazard list.



DESCRIPTION:

As a result of Council's risk management program, potential risks have been identified over the last number of years.

Many of these risks require significant and long term funding to address, and it has not been possible to include provision for the necessary works within the sums voted by Council.

Set out at [\(Appendix G\)](#) is a list of these risk situations (not in any particular priority order).

Council's attention is drawn to these items so that it can formally: -

a) Identify which items (if any) it is able to allocate funds; and indicate that its financial position does not allow it to undertake the balance of the items on the list.

or

b) Indicate that its financial position does not allow it to undertake any of the items on the list in the next financial year.

It should be noted that such a resolution will not guarantee immunity in any litigation. The identification by Council of these issues however may be of assistance in defending a claim on the basis of section 42 of the Civil Liability Act.

This section of the Act states: -

"The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings to which this part applies:

(a) the functions required to be exercised by the authority are limited by the financial or other resources that are reasonably available to the authority for the purpose of exercising those functions,

(b) the general allocation of those resources by the authority is not open to challenge,

(c) the functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate),

(d) the authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate."

It should also be noted that part (d) is referring to Council having in place risk management procedures e.g. inspections that meet applicable standards.

REPORT IMPLICATIONS:

- ***Environmental***

The environmental impacts of this report are not significant. Improved security at sewerage treatments would lessen the environmental risk exposure.

▪ **Social**

The Council has a duty of care to provide a safe environment for its community but this has to be done within its budget constraints.

▪ **Economic (Financial)**

None of the items on the risk management hazard list are currently included in the 2005 / 2006 draft budget. Any such inclusion will affect the deficit or surplus of the proposed budget.

▪ **Policy or Statutory**

Council's Risk Management Policy M11:17 is a statement in general terms concerning Council's objective to minimise and where possible eliminate risk exposures identified through Council's Risk Management Procedures.

General Manager's Recommendation:

For determination by Council.

2005. 460

RESOLVED:

*Moved: Cl. Sowter
Seconded: Cl. Howell*

That the information be noted.



At this stage 10.44a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.06 a.m. all present at the adjournment were in attendance.



QUESTIONS WITHOUT NOTICE

Councillor D Saul

- 1** Would the Director Shire Services investigate some large potholes in the road surface at William Street, Frederickton.

Response: The Director Shire Services will investigate.

- 2** Would the Director Shire Services investigate the condition of Smithtown Oval Toilets.

Response: The Director Shire Services advised that this is a very old toilet block and an upgrade program is planned but not in the immediate future.

At this stage, 11.22am, Councillor Green returned to the Chamber.

Councillor T Hunt

- 1 Does Council have any plans to recognise its volunteers during volunteers week which is coming up?

Response: The Director Corporate Services advised that each section of the Council usually has some recognition of its volunteers. The Director Shire Services will check and advise on this.

- 2 Can we get the Rural Fire Service to review the situation regarding the proposed Nursing Home at South West Rocks regarding the buffer zone issues and can Council approach the Rural Fire Service to have an onsite meeting prior to the lodgement of a development application?

Response: The Director Sustainable Development Services advised that there has been no decision made on the buffer zone issue as the proposal is not yet at development application stage. Also it would be up to the developer to organise any prior meeting with the Rural Fire Service but Council could help facilitate such a meeting.

Councillor J H Bowell

- 1 In regard to work being undertaken by Council staff can Council be informed where works are contracted out rather than being done by Council's staff.

Response: The Director Shire Services will arrange to provide this information.

- 2 In regard to the address by Mrs Wheeldon at the previous Council meeting about secret meetings and hidden votes alleged against council could we ask Mrs Wheeldon to put in writing the instances to which she referred.

Response: Councillor Hunt advised that he would like a urgent motion considered on this matter.

2005. 461

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That this matter be considered at this meeting as it is deemed by the Mayor to be urgent late business.

2005. 462

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Green*

That Council write to Mrs Wheeldon concerning her address to Council 14th June 2005 advising that Council does not accept the charges she made.

Further that Council ask Mrs Wheeldon to substantiate her comments, which could be viewed as damaging to the reputation of Council staff and Councillors.

The Mayor noted that the above resolution was carried unanimously.



CONCLUSION:

There being no further business, the Meeting terminated at 11.32 a.m.

