



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 24th June 2003 commencing at 9.58 a.m.

PRESENT:

Councillors J A C Hayes, (Mayor and Chairman), J H Bowell, R J Bowen, T Hunt, P J Parkinson, B R Sowter and J Sproule.

General Manager, A V Burgess; Director Engineering, K J Finnie; Director Environmental Services, B W Casselden; Director Corporate and Community Services, T I Hannam; Director Business Enterprises, G B Snape, Pat Hanrahan and Donna Pearson.



APOLOGY:

2003. 569

RESOLVED:

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

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



ADOPTION OF AGENDA ORDER OF BUSINESS

2003. 570

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the Agenda Order of Business be adopted.



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

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|------------------------------|---|
| DCCS1 | APPLICATION FOR THE REVOTE OF FUNDS FROM 2002/03 |
| FILE: A2-22 APC (NRN) | {Folio No. 256192} |

SUMMARY:

Reporting on the application to revote unexpended budget items from the 2002/03 year.

THIS IS PAGE 1 OF THE EDITED MINUTES OF THE EXTRAORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 24TH JUNE 2003

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MAYOR



Council has requested a report on the revoting of funds on projects that are anticipated to carry over to the 2003/04 year.

The listing of proposed revotes ([Appendix A](#)) is based upon expenditure and commitments as at 11 June 2003. The monetary amount of the revote is indicative only at this time; it is proposed that the value of the revote in respect of any project approved by Council to be carried forward to the 2003/04 year will be determined upon finalisation of the accounts to the 30 June 2003.

A summary of the revote request is set out below:

| Department | Revote | Funding Grant Contributions | Reserve | Loan | Revenue |
|---------------------------|--------------------|-----------------------------|------------------|--------------------|--------------------|
| Engineering | \$2,907,105 | \$1,462,080 | \$8,643 | \$697,547 | \$738,835 |
| Corporate & Community | \$241,182 | \$64,986 | \$5,000 | \$91,263 | \$79,933 |
| General Manager | \$68,975 | \$24,546 | | | \$44,429 |
| Environmental Services | \$432,479 | \$101,126 | | \$45,250 | \$286,103 |
| Business Enterprises | \$1,985,722 | \$39,633 | \$450,156 | \$1,181,612 | \$314,321 |
| Total General Fund | \$5,635,463 | \$1,692,371 | \$463,799 | \$2,015,672 | \$1,463,621 |
| Water Fund | \$2,532,102 | | | \$2,358,970 | \$173,312 |
| Sewer Fund | \$4,163,596 | \$2,104,078 | | \$1,659,203 | \$400,315 |

Financial Implication

The financial implication of the following recommendation would be that the balance of unexpended funds as at 30 June 2003 in respect of the projects itemized in the report would be carried forward to the 2003/04 year.

Director Corporate and Community Services Recommendation:

That Council approve the revoting of available unexpended budgeted funds as at 30 June 2003 in respect of the projects identified within the report to the 2003/04 year.

2003. 571

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Parkinson*

That the Director's recommendation be adopted with the addition of the unexpended airport maintenance funds be revoted to 2003/2004.



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1 PROPOSED NEW WATER PRICING
FILE: W1-2AMB (NRN) COPY: APC {Folio No. 256196}

SUMMARY:

Reporting on the exhibition of the proposed new water pricing and its consideration for adoption.



The exhibition of the New Water Supply Pricing has generally been in accordance with the Information Dissemination Plan adopted by Council on 22nd April 2003. An assessment of the Information Dissemination Plan post-exhibition is given in [\(Appendix A\)](#).

Responses to the exhibition took several forms; written (hardcopy letter and email), verbal (phone & counter) and those from the five Workshops. [\(Appendix B\)](#) lists the number of responses received during the exhibition, the issues raised and the standard responses to the issues by staff. [\(Appendix C\)](#) lists the issues raised and attendance profiles for each of the Workshops.

After considering the submissions, it is proposed that the costs detailed in the exhibited new water supply pricing are relevant and applicable to the Kempsey Shire. That pricing is shown in Table 1.

Table 1: Proposed New Water Supply Pricing

| Access Charge | | Usage Charge |
|---------------|----------|---|
| meter size | cost | |
| 20mm | \$246 | 80 cents per kilolitre (per 1,000 litres) |
| 25mm | \$384 | |
| 32mm | \$630 | |
| 40mm | \$984 | |
| 50mm | \$1,538 | |
| 80mm | \$3,936 | |
| 100mm | \$6,150 | |
| 150mm | \$13,838 | |
| 200mm | \$24,600 | |

Should Council wish to lessen the impact of the new pricing structure, it is recommended that change occur in the method of introduction rather than changing the pricing structure itself. The pre-exhibition Workshops showed the complexity of ensuring a revenue-neutral, Guideline complying yet transparent water supply pricing structure. A revision of the pricing structure would be difficult within the timeframe of a Council meeting as recalculation and impact assessment on the various customer sectors would be required. In addition a significant change to the pricing structure would require re-exhibition of the Management Plan.

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One pricing structure change considered appropriate is the access charge for strata unit complexes where the complex has only one water meter. Council's proposed pricing meant pensioners would be unable to utilise their water supply pensioner rebate as the body corporate would be billed the access charge. On consideration of how other Council's have dealt with this issue, the following is recommended. Where strata properties have a residential component, each unit (residential, retail or otherwise) will be charged the equivalent of a 20mm access charge (\$246). The usage charge will remain a bill received by the Body Corporate. This change will permit the pensioner rebate (\$87.50) to be utilised against the access charge. There will be cases where Council loses income and gains income. The income impact is currently being determined.

Changes in the method of introduction that Council could consider include phasing-in the access charge component over a 3-year period, changes to the cost of water meter downsizing, changes to the payment period for the first water usage bill, offering a rebate for meter disconnections and/or meter downsizing paid by September 30 (extension on previous June 30 deadline), reconnection of pipework by Council staff for agricultural property meter disconnections (those properties split by roads), and revising the previously adopted stance on access charges for residential 25mm meters.

Phasing-in the access charge was a request made in several submissions and also an opportunity that arose in the agricultural, tourism, schools and business Workshops. It is possible, although a considerable challenge in administration and for customer explanations. One of the major administration difficulties is ensuring the pricing is revenue-neutral over the phase-in years, given the changing customer usage patterns as user-pays pricing is introduced. Phasing-in problems would also be compounded by the need to shortly move to best-practice sewerage pricing. Although of benefit to the business sector and a positive customer goodwill move for Council, phasing-in is not recommended.

Council could reconsider the 50% reduction on water meter downsizing. For example, a flat fee could be introduced (greater than 50% discount) but the financial impact would need to be assessed. It is considered fair that the normal \$110 quote for water meter downsizing (for meters above the 25mm meter size) be waived during the 2004 financial year. It is recommended that the 50% discount remain and that quotes for meter downsizing be waived for downsizing of meters larger than 25mm.

An extension of the payment period for the January and July 2004 usage bills has been suggested by the Workshop for Body Corporates and Property Managers. Given the likely problems faced by a large sector of customers when the first two usage bills arrive, this is recommended. A 60-day payment period is considered appropriate and will mean the late payments policy will be extended for these two billing times before the reminder notice is issued.

It is considered appropriate to extend the previously set June 30 deadline for payment of meter disconnections and meter downsizing. If the disconnection and downsizing payment is made before September 30, 2003 a rebate will be issued with the next quarterly bill.

Water Services has calculated rates for reconnection of agricultural property's water supplies after meter disconnection, where a road divides a farm property. The costs determined are \$35/m for 20mm pipework, \$40/m for 25mm pipework and a flat fee of

\$25 to install the short bridging pipe where the meter has been removed. Council staff will only complete small lengths of reconnections and will quote work required. This option could be offered at the point of disconnection applications and is recommended. These reconnections are intended to prevent stock being left without water due to low job priority or difficulties in coordinating plumbing contractors.

It is possible to reconsider the previous stance for the 25mm water meter access charges. This issue was heavily discussed at the pre-exhibition Workshop held with Councillors and it was resolved to charge 25mm access charges except in cases of historical pressure problems. Some individual cases have been highlighted during the exhibition and have been considered on their merits. It is recommended not to change the exhibited stance.

Several workshops identified the services of a water auditor and water saving devices rebate programme as being a positive move that Council could make for its business water supply customers. While this is recognised, the Integrated Water Cycle Management Strategy (IWCMS) is currently considering the implementation of these items and others, culling those not applicable to Kempsey Shire and completing a cost-benefit analysis. The IWCMS is due to go to public consultation phase in October. It is recommended that Council defer a decision on this issue until the IWCMS is more advanced and that a further report be received on this issue.

There are several other issues pertinent from the results of the exhibition, those being access charges for floodway land, usage charges for dialysis patients and Councils position as a landlord.

Floodway land has not previously been rated for water supply but has paid a usage charge. The need for an access charge, is not altered because land is floodway and it is recommended that floodway land pay both an access and usage charge.

Dialysis patients currently receive an additional 50kl free per 6 months and no allowance was made in the exhibited pricing structure. It is recommended that a free 50kl every 6 months be given (or effectively rebated) for dialysis patients on presentation of medical confirmation, as is currently the case. This would ensure a bill reduction for the dialysis patient whether they are a tenant or property owner.

Council is a landlord for various properties and as such needs to consider what water supply charges will be passed on to their tenants. Council has a mixture of properties, residential, commercial and agricultural properties and what water supply charges that can be passed varies with the Tenancy Act for the property type, the metering format at the property and the content of the lease agreement. The Residential Tenancy Act, does not permit access charges to be passed on to the tenant but the usage charge can be passed on to the tenant if the property is separately metered and the lease indicates the water usage is the tenant's responsibility. Separate metering occurs in single houses but in most cases does not occur in units unless internal meters exist. The Retail Tenancy Act indicates that it depends on the content of the 'outgoings' part of a lease as to whether access and/or usage charges can be passed on the tenant. The Agricultural Tenancy Act does not contain specific limitations but relies on the contents of the lease to determine what can be passed on the tenant. Each of Council's property leases requires assessment and it is recommended that the relevant Directors make a determination on each leased property and advise the tenant by June 30 2003 of what water supply charges, if any, are to be passed on to the tenant. It is also recommended that until the

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internal billing is clarified any water charge income from leased properties be remitted to the Water Fund.

Conclusion

Residential customers and low-medium use businesses are happy to be receiving a decrease in their water bills. This sector encompasses 90% of Council's water supply customers (approximately 11,000 customers).

Medium to high use business customers are not totally against the principal of users pays but are concerned at the timeframe for introduction and their inability to cater for increases in their budgets. This sector is 10% of Council's water supply customers (approximately 1,000 customers).

Council has the opportunity to phase-in the new water supply pricing structure. This would allay the concerns of the business sectors. There has been a relatively short time for the business sector to accommodate their water supply

Financial Implications

The new pricing is calculated as revenue neutral. However, it should be understood that the neutrality is based on calculations of water consumptions that can only be estimated, not assured. The neutrality calculations are based on a computer programme with inputs of customer water usage patterns but water consumption is the prerogative of the customer and is heavily influenced by weather patterns, i.e. dry weather higher consumption, wetter weather less consumption.

It is proposed that the pricing structure not be altered for three years (other than for CPI adjustments), at which time reassessment of the Shire's water customer's usage patterns and the financial commitments will occur.

The financial impact for Dialysis patients (currently 2 in the Shire water supplied area) is \$160. This will be covered by the Water Fund's Tarriff Equalisation Account.

Director Business Enterprises Recommendation:

That Council;

1. Adopt the following pricing structure for Council's water supply, the first access charge being received with the general rates in July 2003 and the first usage charge bill arriving in January 2004.

| Access Charge | | Usage Charge |
|---------------|----------|---|
| Meter size | Cost | |
| 20mm | \$246 | 80 cents per kilolitre (per 1,000 litres) |
| 25mm | \$384 | |
| 32mm | \$630 | |
| 40mm | \$984 | |
| 50mm | \$1,538 | |
| 80mm | \$3,936 | |
| 100mm | \$6,150 | |
| 150mm | \$13,838 | |
| 200mm | \$24,600 | |

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MAYOR

2. Hold the pricing structure constant for a period of three (3) years (other than for CPI adjustments), before reassessing the customer's water usage patterns and Council's water supply fund financial commitments
3. Charge the equivalent of a 20mm access charge (\$246) to each unit (residential, retail or otherwise), where strata properties have a residential component.
4. Waive the quote fee of \$110 for meter downsizing for meters larger than 25mm.
5. Instigate a 60-day payment period for the January and July 2004 water usage bills and the late payments policy match this extension for these two billing times.
6. Offer a rebate for a water meter's access charge if Council receives the payment for the disconnection on or before September 30 2003.
7. Hold open a 50% cost reduction for water meter downsizing until June 30 2004.
8. Offer a rebate of the difference for a water meter's access charge if Council receives the payment for the downsizing on or before September 30 2003.
9. Offer to quote for agricultural property's plumbing reconnection, where water meters are disconnected across a road. The rates are \$35/m for 20mm pipework, \$40/m for 25mm pipework and a flat fee of \$25 to install the short bridging pipe where the meter has been removed.
10. Defer a decision on funding a water auditor, any rebate scheme for water saving devices, or any water saving education/advertising programmes until the Integrated Water Cycle Management Strategy is further progressed
11. Receive a further report on the progress of Integrated Water Cycle Management Strategy in September
12. Apply access charges and usage charges on floodway land with water supply meters.
13. Provide free 50kl of water every 6 months to Dialysis patients (rebated on each usage bill) on presentation of medical confirmation
14. Delegate each of the relevant Directors to make a determination on Council's leased properties and advise the tenant by June 30 2003 of what water supply charges, if any, are to be passed on to the tenant.
15. Resolve that all water supply income from leased properties be remitted to the Water Fund, until the internal billing is clarified.

At this stage 10.55 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.22 a.m. all present at the adjournment were in attendance.

2003. 572

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That this matter be deferred until after the Works Committee Inspection and Council staff provide further information on possible changes to the proposed water pricing.

Councillor Parkinson recorded his vote against the foregoing Resolution.



GENERAL MANAGER'S REPORT

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| GM1 | DRAFT MANAGEMENT PLAN | |
| | FILE: A3-8 AVB | {Folio No. 256206} |

This item was deferred until later in the meeting after the Works Committee Report.

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| GM2 | MAKING OF RATES AND CHARGES FOR 2003/2004 | |
| | FILE: R1-2 JCC (NRN) | {Folio No. 256211} |

This item was deferred until later in the meeting after the Works Committee Report.

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| GM3 | 2003/2004 FEES AND CHARGES | |
| | FILE: A2-12 JCC (NRN) | {Folio No. 256216} |

This item was deferred until later in the meeting after the Works Committee Report.

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| GM4 | ANNUAL RISK MANAGEMENT HAZARD LIST | |
| | FILE: I3-2 PJH (NRN) | {Folio No. 256218} |

SUMMARY:

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



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

Many of these risk require 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 [\(Appendix D\)](#) 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.

It should be noted that such a resolution will not guarantee immunity in any litigation as a court will base any decision on what it sees as a "reasonable" time to address these risk items.

Financial Implication

None of the items on the risk management hazard list are currently included in the 2003/2004 draft budget. Any such inclusion will affect the deficit or surplus of the proposed budget.

2003. 573

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sowter*

That Council's financial position does not allow it to undertake any of the items on the risk management hazard list in 2003/2004.

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| GM5 | IMPLEMENTATION OF 2002-2003 MANAGEMENT PLAN |
| FILE: A3-8 JCC (NRN) | {Folio No. 256220} |

SUMMARY:

Reporting on the implementation of Council's 2002/2003 Management Plan.



The Local Government Act 1993 requires that a report be submitted to Council within two (2) months of the end of each quarter as to the extent to which the performance targets set by the Management Plan have been achieved during that quarter.

Attached at [\(Appendix E\)](#) is a report on the achievements in respect to Council's Targets/Performance Measures for the quarter ended 31st March 2003.

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MAYOR

Financial Implication

There are no financial implications arising from this report.

2003. 574

RESOLVED:

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

That the achievement of performance targets set by the 2002/2003 Management Plan for the period to the end of the March 2003 quarter be noted.



TRAFFIC COMMITTEE REPORT

MINUTES OF THE SPECIAL MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON FRIDAY 6TH JUNE 2003, IN THE COUNCIL CHAMBERS COMMENCING AT 12.00PM.

SPECIAL MEETING TO DISCUSS PROPOSED ADDITIONS TO KEMPSEY CORRECTIONAL CENTRE

2003. 575

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Sproule*

That the report of the Local Traffic Committee Report held 6th June 2003 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor R J Bowen

Councillor Bowen was advised:-

- 1 That to the Director Engineering's knowledge the National Parks Association had not contributed \$200,000 for the maintenance by Council of Point Plomer Road and if this was stated by them it could only refer to the roads with the National Park not the Council maintained road.
- 2 That the Director Corporate and Community Services had arranged the erection of directional signs to Parklands Cottage at the corner of North Street and Jack Bond Crescent, Kempsey.

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the Director Engineering would arrange for a written response to a letter from Mr Phillip Ducat, from Southside Cellars, provided to him by Councillor Sproule.

- 2 That the Director Environmental Services understood that a Construction Certificate for the PCYC building had been issued last Friday 20th June 2003.

Councillor Sowter

Councillor Sowter was advised:-

- 1 That Council staff had mown the Smithtown Oval but did not mow the area outside the playing field as there was insufficient funding to mow the whole area.
- 2 That the Director Engineering was awaiting a response on the pile driving contractor regarding the Smithtown Wharf extensions.

Councillor Parkinson

Councillor Parkinson was advised:-

- 1 That Councillors Bowell, Bowen and Hunt had received invitations from the Crescent Head Chamber of Commerce to attend a meeting however they could not recall whether the invitations were addressed to them as Councillors or individuals.
- 2 That there were additional expenses related to the holding of Planning Committee meetings which would need to be funded from Working Funds and that the cost of staff attending additional meetings was the other work foregone.



At this stage the meeting 11.50a.m. adjourned to conduct a Works Committee Inspection.



At this stage 3.45p.m. Council Extra Ordinary meeting resumed and all present at the adjournment were in attendance with the exception of Councillor Parkinson who apologised for his non-attendance for the remainder of the meeting.

WORKS COMMITTEE REPORT

MINUTES OF THE MEETING OF THE WORKS COMMITTEE HELD ON TUESDAY 24TH JUNE 2003, COMMENCING AT 11.55AM.

2003. 576

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Hunt*

That the report of the Works Committee Report held 24th June 2003 be adopted.



At this stage the matters referred from the Works Committee were dealt with.

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| 1. | PROPOSED DWELLING - SOUTH KEMPSEY |
| | FILE: T6-02-707 RBP {Folio No. 255126} |

SUMMARY:

Reporting that Council has received an application to erect a dwelling within the buffer area surrounding Churchill Quarry which may impact on the long term operation of the quarry.



2003. 577

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Hunt*

- A That the applicant be invited to submit an amended application accompanied by an acoustic report prepared by a suitably qualified person and a report prepared by a qualified quarrying consultant providing for the erection of a dwelling in a location which will not result in adverse impacts from adjoining quarrying operations or place any unreasonable restrictions on future quarrying activities.
- B That the applicant be advised that unless written advice is received within 14 days of notice being provided that it is intended to submit the required amended application, that the application be refused for the following reasons:
 - 1 The proposal is contrary to Clause 16 of North Coast Regional Environmental Plan 1988 as the applicant has failed to demonstrate that the proposed dwelling will not prevent the potential sterilisation of the adjoining quarry, having regard to potential adverse noise, over pressure and vibration.
 - 2 The proposal is contrary to DCP 12 - Conflicting Land uses as the applicant has failed to demonstrate that the proposed dwelling will not be adversely impacted upon as a result of the operation of Churchill Quarry.

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| 2 | GOULDS LANE SAND QUARRY, CLYBUCCA |
| | FILE: T20-81-238 AJC {Folio No. 255124} |

SUMMARY:

Reporting that the sand quarry operation is not complying with a condition of development consent during occasional peak supply periods.



2003. 578

RESOLVED:

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

1. That the quarry owner be required to bring the road up to minimum standard and install a bitumen dust seal over the section of road to the satisfaction of the Director Engineering.
2. That Council hold discussions with the applicant regarding contributions towards maintaining this section of the bitumen dust seal.

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| 3. PROPOSED DUAL OCCUPANCY SOUTH WEST ROCKS FILE: T6-03-206 RBP | {Folio No. 255123} |
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SUMMARY:

Reporting that Council has received an application to erect 2 two storey dwellings on an allotment that does not comply with Councils local housing strategy.

2003. 579

RESOLVED:

*Moved: Cl. Howell
Seconded: Cl. Sproule*

That subject to favourable comments being received from the Rural Fire Service, consent be granted subject to the following conditions;

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council
- 6 The dwellings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.

- 7 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
 - b Installation of safety fencing/hoardings between the property and the street
 - c Protection barriers for existing trees
 - d Installation of builder's toilets
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
- 8 Provision of a security deposit to Council totalling \$600 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- a Installing a temporary structure on land
 - b Carrying out water supply work
 - c Installing, altering, disconnecting or removing a meter connected to a service pipe
 - d Carrying out sewerage work
 - e Carrying out stormwater drainage work
 - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
 - g Disposing of waste into a sewer of the Council.
- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 12 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 13 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the excavation shall:
 - (a) preserve and protect such building from damage; and
 - (b) if necessary, underpin and support the building in an approved manner.

Seven (7) days notice is to be given to the owner of the adjoining allotment of the intention to excavate below the level of the base of the footings. (Reference: Clause 34, Local Government (Approvals) Regulation 1993.

- 14 Hoarding/fence is to be provided to the site in accordance with the assessment provided to Council.
- 15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

- 16 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 17 If the soil conditions require it:-
 - (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.

- 18 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:

Walls
Roof
Wall
Roof
Ceiling
Hotwater

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| AS SPECIFIED BY THE ASSESSMENT KSC HOUSING ENERGY RATING ASSESSMENT UNITS 1/2 DATED 27/3/03 PROVIDED WITH THE APPLICATION |
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- 19 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick

- unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.
- 20 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
 - 21 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
 - 22 Roofwaters are to be connected to the existing stormwater disposal system.
 - 23 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas, piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
 - 24 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
 - 25 Soil Erosion control measures are to be implemented on the site. The control measures shall be in accordance with Council's Guidelines - Preparing an Erosion and Sediment Control Plan. The Control Plan is to be submitted and approved prior to release of the required Construction Certificate.
 - 26 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.
 - a Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$1,382 per equivalent tenement, i.e \$1,382 x 1 E.T = \$1,382 (Indexed 2002/2003).
 - b Payment of a contribution towards district water supply at the rate of \$1,130 per equivalent tenement, i.e \$1,130 x 1 E.T = \$1,130. (Indexed 2002/2003).
 - c Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$1,767 per equivalent tenement, i.e. \$1,767 x 1 E.T. = \$1,767 (Indexed 2002/2003).

The Plan may be inspected at Council's offices, Cnr Elbow and Tozer Streets, West Kempsey.

- 27 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,758 per additional dwelling unit, i.e \$1,758 x 1 E.T = \$1,758. (Indexed 2002/2003).
- 28 The applicant is to pay a contribution towards upgrading/maintenance of Belle O'Connor distributor road(s) for dwellings on lots for which contributions have not been previously paid in accordance with Council's Section 94 Plan. The contribution is to be paid prior to the release of the Construction Certificate of the rate prevailing at that time. The current rate is \$1,184 per lot/dwelling.

Councillor Hunt recorded his vote against the foregoing resolution.



4. SURPLUS LAND – FREDERICKTON, SOUTH WEST ROCKS AND KINCHELA
 FILE: P10-18 AVB

2003. 580

RESOLVED:

*Moved: Cl. Bowell
 Seconded: Cl. Hunt*

That consideration of the item on Surplus Land from the Works Committee be referred to the Confidential session of the Extra Ordinary Council meeting for the reason that it involved information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business.



The following item was deferred from earlier in the Meeting.

DBE1 PROPOSED NEW WATER PRICING
 FILE: W1-2AMB (NRN) COPY: APC {Folio No. 256196}

SUMMARY:

Reporting on the exhibition of the proposed new water pricing and its consideration for adoption.



Director Business Enterprises Recommendation:

That Council;

1. Adopt the following pricing structure for Council's water supply, the first access charge being received with the general rates in July 2003 and the first usage charge bill arriving in January 2004.

| Access Charge | | Usage Charge |
|---------------|----------|---|
| Meter size | Cost | |
| 20mm | \$246 | 80 cents per kilolitre (per 1,000 litres) |
| 25mm | \$384 | |
| 32mm | \$630 | |
| 40mm | \$984 | |
| 50mm | \$1,538 | |
| 80mm | \$3,936 | |
| 100mm | \$6,150 | |
| 150mm | \$13,838 | |
| 200mm | \$24,600 | |

2. Hold the pricing structure constant for a period of three (3) years (other than for CPI adjustments), before reassessing the customer's water usage patterns and Council's water supply fund financial commitments
3. Charge the equivalent of a 20mm access charge (\$246) to each unit (residential, retail or otherwise), where strata properties have a residential component.
4. Waive the quote fee of \$110 for meter downsizing for meters larger than 25mm.
5. Instigate a 60-day payment period for the January and July 2004 water usage bills and the late payments policy match this extension for these two billing times.
6. Offer a rebate for a water meter's access charge if Council receives the payment for the disconnection on or before September 30 2003.
7. Hold open a 50% cost reduction for water meter downsizing until June 30 2004.
8. Offer a rebate of the difference for a water meter's access charge if Council receives the payment for the downsizing on or before September 30 2003.
9. Offer to quote for agricultural property's plumbing reconnection, where water meters are disconnected across a road. The rates are \$35/m for 20mm pipework, \$40/m for 25mm pipework and a flat fee of \$25 to install the short bridging pipe where the meter has been removed.
10. Defer a decision on funding a water auditor, any rebate scheme for water saving devices, or any water saving education/advertising programmes until the Integrated Water Cycle Management Strategy is further progressed
11. Receive a further report on the progress of Integrated Water Cycle Management Strategy in September

12. Apply access charges and usage charges on floodway land with water supply meters.
13. Provide free 50kl of water every 6 months to Dialysis patients (rebated on each usage bill) on presentation of medical confirmation
14. Delegate each of the relevant Directors to make a determination on Council's leased properties and advise the tenant by June 30 2003 of what water supply charges, if any, are to be passed on to the tenant.
15. Resolve that all water supply income from leased properties be remitted to the Water Fund, until the internal billing is clarified.

2003. 581

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Powell*

That the Director Business Enterprise recommendation be adopted subject to recommendations 1 to 3 being amended to read:-

1. Adopt the following pricing structure for Council's water supply, the first access charge being forwarded with the general rates in July 2003 and the first usage charge bill being sent in January 2004.

| Access Charge | | Usage Charge |
|---------------|----------|---|
| Meter size | Cost | |
| 20mm | \$252 | 80 cents per kilolitre (per 1,000 litres) |
| 25mm | \$262 | |
| 32mm | \$630 | |
| 40mm | \$984 | |
| 50mm | \$1,538 | |
| 80mm | \$3,936 | |
| 100mm | \$4,500 | |
| 150mm | \$6,919 | |
| 200mm | \$12,300 | |

2. Before 30th June 2004 customer water usage patterns and Council's water supply fund financial commitments be reassessed.
3. Charge the equivalent of a 20mm access charge (\$252) to each unit (residential, retail or otherwise), where strata properties have a residential component.



The following item was deferred from earlier in the Meeting.

GENERAL MANAGER'S REPORT

| | | |
|------------|------------------------------|---------------------------|
| GM1 | DRAFT MANAGEMENT PLAN | {Folio No. 256206} |
| | FILE: A3-8 AVB | |

SUMMARY:

Reporting on the requirements for Council to consider and adopt a Management Plan before 30th June 2003.



General Manager's Recommendation:

- 1 That the required revisions to the Draft Management Plan and Fees and Charges and Performance Measures be made in accordance with the report.
- 2 That the document "Summary of Estimated Financial Performance" be included in Council's Management Plan.
- 3 That the 2003/04 Draft Management Plan as exhibited be adopted in accordance with the provisions of Section 406 of the Local Government Act, 1993.
- 4 That all persons who made a submission in respect of the Management Plan be thanked for their interest and contribution.

2003. 582

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sproule

- 1 That the required revisions to the Draft Management Plan and Fees and Charges and Performance Measures be made in accordance with the report subject to the amendment for A4 photocopies being less than 10 copies being 50 cents and greater than 10 being \$1.00.
- 2 That the document "Summary of Estimated Financial Performance" be included in Council's Management Plan.
- 3 That the 2003/04 Draft Management Plan with the Rates and Charges Structure as per resolution 2003.583 (GM2) be adopted in accordance with the provisions of Section 406 of the Local Government Act, 1993.
- 4 That all persons who made a submission in respect of the Management Plan be thanked for their interest and contribution.

| | | |
|------------|--|---------------------------|
| GM2 | MAKING OF RATES AND CHARGES FOR 2003/2004 | {Folio No. 256211} |
| | FILE: R1-2 JCC (NRN) | |

SUMMARY:

THIS IS PAGE 20 OF THE EDITED MINUTES OF THE EXTRAORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 24TH JUNE 2003

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MAYOR

Reporting on the requirements for Council to make rates and charges for the year 1st July 2003 to 30th June 2004.



General Manager's Recommendation:

That whereas Council has given public notice of its Draft Management Plan for the year 2003/2004, 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 2003 pursuant to Section 494 of the Local Government Act 1993: -

| Category | Sub-Category | Base Amount | | Plus | Ad Val Orem ¢ in \$ |
|-------------|--------------|-------------|--------|------|------------------------|
| | | \$ Yield | % | | |
| Farmland | | 254.00 | 22.70% | | 0.6553 |
| Residential | Urban | 254.00 | 47.74% | | 0.6554 |
| | Non-Urban | 254.00 | 43.34% | | 0.6554 |
| Mining | | - | | | 1.5133 |
| Business | Kempsey CBD | 28.00 | 1.62% | | 1.5133 |
| | Other | 28.00 | 2.74% | | 1.5133 |
| | Mining | 28.00 | 3.09% | | 1.5133 |

- 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 2003 pursuant to Section 494 of the Local Government Act 1993: -

| Category | Subcategory | Base Amount | | Plus | Ad Val Orem c in \$ |
|-------------|-------------|-------------|-------|------|------------------------|
| | | \$ Yield | % | | |
| Farmland | | 226.00 | 20.72 | | 0.6553 |
| Residential | Urban | 226.00 | 44.84 | | 0.6554 |
| | Non-urban | 226.00 | 40.49 | | 0.6554 |
| Mining | | - | | | 1.5133 |
| Business | Kempsey CBD | - | | | 1.5133 |
| | Other | - | | | 1.5133 |
| | Mining | - | | | 1.5133 |

- 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

.....
MAYOR

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 2003/04 pursuant to the provisions of Section 496 of the Local Government Act 1993: -

| Category | Charge per Annum |
|-------------|------------------|
| Weekly | \$131.60 |
| Fortnightly | \$108.80 |

- 5 That the following Commercial Waste Service charge be now made for the year 2003/04 pursuant to the provision of Section 501 of the Local Government Act 1993: -

Per single weekly service (240 Litre Sulo) \$128.20

- 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 2003 to 30th June 2004: -

a Access Charge

A charge per meter of: -

| Meter Size (mm) | Access Charge (\$) |
|-----------------|--------------------|
| Vacant | 246.00 |
| 20 | 246.00 |
| 25 | 384.00 |
| 32 | 630.00 |
| 40 | 984.00 |
| 50 | 1538.00 |
| 80 | 3936.00 |
| 100 | 6150.00 |
| 150 | 13838.00 |
| 200 | 24600.00 |

b Usage Charge

I. 80.0¢ per Kilolitre for all water consumed.

- 8 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 2003 to 30th June 2004: -

a Base Charge – Kempsey, Crescent Head, Hat Head and Lower Macleay Sewerage Areas

- I. A sewerage charge in respect of each unconnected chargeable assessment of \$252.00 p.a.
- II. A sewerage charge in respect of each connected chargeable assessment of \$482.00 p.a.

b Sewerage Charges – Kempsey, Crescent Head, Hat Head and Lower Macleay Sewerage Areas

Charges in respect of additional connections of: -

Dwelling Units - \$482.00 for every additional dwelling unit.

Commercial, Industrial and Crown Premises - \$482.00 each WC or cistern serving urinal.

Hotels and Licensed Clubs - \$482.00 each WC or Cistern serving urinal.

Hotels and Motels (Accommodation Portion) - \$241.00 each WC or cistern serving urinal.

Holiday Flats (Multiple Occupancy Units excluding Strata Units) - \$241.00 each WC or cistern serving urinal.

Caravan Parks - \$72.30 per site.

Schools and Churches - \$241.00 each WC or cistern serving urinal.

Non-Profit Community based organisations - \$120.50 each WC or Cistern serving urinal.

Other Premises - \$241.00 each WC or cistern serving urinal.

c Willawarrin and Bellbrook Sewerage Areas

A sewerage charge in respect of each unconnected chargeable assessment of \$252.00 p.a.

- 9 That where an assessment becomes rateable or chargeable for any of the above rates/charges during the year commencing 1st July 2003 that such rates/charge be levied on a pro-rated basis.**

2003. 583

RESOLVED:

*Moved: Cl. Powell
Seconded: Cl. Sowter*

That the General Manager's recommendation be adopted subject to the Water Access Charges under 7a being amended to read;

a Access Charge

A charge per meter of: -

| Meter Size (mm) | Access Charge (\$) |
|-----------------|--------------------|
| Vacant | 252.00 |
| 20 | 252.00 |
| 25 | 262.00 |
| 32 | 630.00 |
| 40 | 984.00 |
| 50 | 1538.00 |
| 80 | 3936.00 |
| 100 | 4500.00 |
| 150 | 6919.00 |
| 200 | 12300.00 |

| | | |
|------------|-----------------------------------|---------------------------|
| GM3 | 2003/2004 FEES AND CHARGES | |
| | FILE: A2-12 JCC (NRN) | {Folio No. 256216} |

SUMMARY:

Reporting on the advertisement of proposed 2003/2004 fees and charges with the Draft Management Plan.



General Manager's Recommendation:

That the amended Draft Schedule of Fees and Charges applicable as from 1st July 2003 to 30th June 2004 as attached to the 2003/04 Draft Management Plan be adopted.

2003. 584

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sproule*

That the amended Draft Schedule of Fees and Charges applicable as from 1st July 2003 to 30th June 2004 as attached to the 2003/04 Draft Management Plan be adopted incorporating the amended Schedule of Water Charges.



MOTION FOR COMMITTEE

2003. 585

RESOLVED:

*Moved: Cl. Bowell
Seconded: Cl. Sproule*

That Council form itself into the 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.



The following item was referred from the Works Committee on 24th June 2003 to the Confidential Session of the Extra-Ordinary Council meeting on 24th June 2003.

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MAYOR

**4. SURPLUS LAND – FREDERICKTON, SOUTH WEST ROCKS AND KINCHELA
FILE: P10-18 AVB**

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposes to conduct business (Section 10A (2) (c)).

2003. 586

RECOMMENDED:

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

That the General Manager provide Council with details of the next steps to be taken with regard to the disposal of Council land at Frederickton, South West Rocks and Kinchela and a suggested program of works to be financed by the proceeds of the sales.



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.

2003. 587

RESOLVED:

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

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



CONCLUSION:

There being no further business, the Meeting terminated at 4.53 p.m.

