

# Extraordinary Meeting Minutes

Held on Tuesday 30 June 2009  
at the Council Chambers, Bega commencing at 11.02 am

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**PRESENT** Councillor Allen (CHAIRPERSON) and Councillors Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

**IN ATTENDANCE** Mr Peter Tegart – General Manager, Ms Leanne Barnes – Group Manager Community and Relationships, Mr Andrew Woodley – Group Manager Planning and Environment, Mr Jim Collins – Acting Group Manager Infrastructure Waste & Water, Ms Michelle Preo – Minute Secretary

## 1. Confirmation of Minutes

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203/09 RESOLVED on the motion of Crs Britten and Campbell

That the Minutes of the Ordinary Meeting of 16 June 2009, as circulated, be taken as read and confirmed.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 2. Apologies

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There were no apologies.

## 3. Declarations

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### Conflict of Interest

Cr Hede declared a non-pecuniary conflict of interest regarding Agenda Item No 4 – Adoption of the 2009/12 Management Plan, on the basis that he is a Director of Imlay District Nursing Home. A signed declaration form was tabled by Cr Hede for inclusion in the Register.

## **SUSPENSION OF STANDING ORDERS**

204/09 RESOLVED on the motion of Crs Hughes and Seckold

That Standing Orders be suspended to allow addresses to Council from Mr Simon Owens on behalf of Bega & District Nursing Home Ltd and The Oaks Country Village Ltd, and Mrs Jan Aveyard on behalf of Imlay House regarding Agenda Item No 4. Adoption of the 2009/12 Management Plan.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## **4. Deputations**

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Mr Simon Owens addressed Council on Agenda Item No 4. Adoption of the 2009/12 Management Plan and responded to questions from Councillors.

The Mayor thanked Mr Owens for his address.

Mrs Jan Aveyard addressed Council on Agenda Item No 4. Adoption of the 2009/12 Management Plan and responded to questions from Councillors.

The Mayor thanked Mrs Aveyard for her address.

## **RESUMPTION OF STANDING ORDERS**

## **5. Adoption of the 2009/12 Management Plan**

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### **Conflict of Interest**

Cr Hede declared a non-pecuniary conflict of interest regarding Agenda Item No 4 – Adoption of the 2009/12 Management Plan, on the basis that he is a Director of Imlay District Nursing Home, remained in the meeting room and voted on this item.

205/09 RESOLVED on the motion of Crs Britten and Campbell

1. That the 2009/12 Management Plan, including an 8.76% variation to general rate income be adopted with a further report to be submitted if the Minister for Local Government refuses or amends Council's application.
2. That the 2009/12 Management Plan be amended to phase the water usage and sewer discharge charge for not-for-profit nursing and aged care facilities (as defined on page 33 of the draft Management Plan – with the removal of the reference to volunteers from that definition) subject to future consideration of that

pricing in the context of the proposed Bega Valley Ageing Strategy in 2010 and the DWE pricing guidelines at that time. Such phasing to commence from 2009/10 at 33% of the normal water and sewerage tariffs.

3. That the 2009/12 Management Plan be amended to reflect the:
- second round RLCIP Federal grant of \$446,000, and State Government Community Building Partnership Grant in 2009/10;
  - proposed emergency services centre (with financial support from the RFS/SES) constructed in conjunction with the depot improvements in 2009/10.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 6. Rates and Charges 2009/2010

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206/09 RESOLVED on the motion of Crs Wykes and Pincini

### (a) General Fund

The detailed Draft Estimates of Income and Expenditure for the General Fund, for the period 1 July 2009 to 30 June 2010, were considered by Council at the meeting on 28 April 2009 and placed on public display in the draft Management Plan to allow public submissions on or before Friday 29 May 2009. The Bega Valley Shire Council Management Plan and detailed Estimates of Income and Expenditure for the period 1 July 2009 to 30 June 2010, were adopted by Council on 30 June 2009, after considering public submissions. Subsequent to these actions, Council hereby resolves:

(i) ***General Rates – Scenario One: Council’s special variation application is not approved or varied by the Minister for Local Government.***

- That consideration of general rates is referred to the next meeting of Council.

***General Rates – Scenario Two: Council’s special variation application is approved.***

- to make a General Ordinary rate of zero point three one zero three one nine (0.310319) cents in the dollar on the rateable value of all rateable land in the area categorised as “residential” in accordance with Section 516 of the Local Government Act 1993 and;
- to make a General Ordinary rate of zero point three one zero three one nine (0.310319) cents in the dollar on the rateable value of all rateable land in the area

categorised as "farmland" pursuant to the provision of Section 515 of the Local Government Act 1993 and;

- to make a General Ordinary rate of zero point five three seven three two eight (0.537328) cents in the dollar on the rateable value of all rateable land in the area which is categorised as "business" pursuant to the provisions of Section 518 of the Local Government Act, 1993 and;
- to make General Ordinary base rates of the amounts specified in the first schedule hereto for the period 1 July 2009 to 30 June 2010.

### **First Schedule**

- for each separate parcel of the residential category that a base rate be made of three hundred and seventy three dollars and ninety three cents (\$373.93) per assessment;
- for each separate parcel of the farmland category that a base rate be made of three hundred and seventy three dollars and ninety three cents (\$373.93) per assessment;
- for each separate parcel of the business category that a base rate be made of three hundred and seventy three dollars and ninety three cents (\$373.93) per assessment.

#### **(ii) Special Business Rate – Bega Mainstreet**

- to make a Special Business rate of zero point three six nine five seven five (0.369575) cents in the dollar on the rateable value of all rateable land bounded by the area on the northern side of Carp Street and inclusive of the property identified as Lot 1 DP 196678 Carp Street Bega to the western boundary of Parker Street and bounded on the southern side of Carp Street by the eastern boundary of Peden Street to the western boundary of Parker Street categorised as business in accordance with Section 518 of the Local Government Act 1993.

#### **(iii) Stormwater Charge**

- to make a stormwater charge of \$25.00 per annum per single residential dwelling that benefits from Council's stormwater system whether built or natural in accordance with Section 496A of the Local Government Act 1993 and;
- to make a stormwater charge of \$12.50 per annum per residential strata dwelling that benefits from Council's stormwater system whether built or natural in accordance with Section 496A of the Local Government Act 1993 and;
- to make a stormwater charge of \$25.00 per annum per developed commercial property up to 1,200 square metres that benefits from Council's stormwater

system whether built or natural in accordance with Section 496A of the Local Government Act 1993 and;

- to make a stormwater charge of \$100.00 per annum per developed commercial property in excess of 1,200 square metres but not exceeding 3,000 square metres that benefits from Council's stormwater system whether built or natural in accordance with Section 496A of the Local Government Act 1993 and;
- to make a stormwater charge of \$200.00 per annum per developed commercial property in excess of 3,000 square metres that benefits from Council's stormwater system whether built or natural in accordance with Section 496A of the Local Government Act 1993 and;
- to make a minimum stormwater charge of \$12.50 per annum per developed commercial strata property that benefits from Council's stormwater system whether built or natural in accordance with Section 496A of the Local Government Act 1993.

**(iv) Base Domestic Waste Charge**

- to make an annual Base Domestic Waste charge of sixty nine dollars and fifty two cents (\$69.52) for each parcel of rateable land categorised as residential or farmland within the Council area or each parcel of non-rateable land that receives a Domestic Waste service.

**(v) Domestic Waste Collection Charge**

- to make an annual Domestic Waste Collection charge of one hundred and seventy three dollars and sixty eight cents (\$173.68) per annum for the once weekly 140 litre domestic waste collection service for all properties categorised as residential and farmland in accordance with Sections 515 and 516 of the Local Government Act 1993 and where those properties are located within Council's waste collection area. The service charge will be levied on:
  - each residential dwelling or;
  - in the case of multi unit complexes each residential unit in a multiple unit complex.
- to make an annual Rural Waste Collection charge of one hundred and seventy three dollars and sixty eight cents (\$173.68) per annum for the once weekly 240 litre domestic waste collection service for all properties categorised as residential and farmland in accordance with Sections 515 and 516 of the Local Government Act 1993 and where those properties are located within Council's waste collection area. The service charge will be levied on:
  - each residential dwelling or;

- in the case of multi unit complexes each residential unit in a multiple unit complex.
- to make an annual Rural Fortnightly Domestic Waste Collection charge of one hundred and thirteen dollars and ten cents (\$113.10) per annum for each rural fortnightly Domestic Waste Management Service for the once fortnightly 240 litre domestic waste collection service for all properties categorised as residential and farmland in accordance with Sections 515 and 516 of the Local Government Act 1993 and where those properties are located within Council's waste collection area. The service charge will be levied on:
  - each residential dwelling or;
  - in the case of multi unit complexes each residential unit in a multiple unit complex.
- That in accordance with Section 575(3)(a) of the Local Government Act 1993 Council resolves to provide a pension rebate equivalent to 50% of the Domestic Waste Management Charge and the General Rates provided the maximum rebate for the combined rate and domestic waste management charge does not exceed \$250.00.

**(vi) Domestic Recycling Collection Charge**

- to make an annual Domestic Recycling Collection charge of ninety one dollars and fifty two cents (\$91.52) per annum for the fortnightly 240 litre domestic co-mingled recycling collection service for all properties categorised as residential and farmland in accordance with Sections 515 and 516 of the Local Government Act 1993 and where those properties are located within Council's waste collection area. Only properties receiving a Domestic Waste Collection service are eligible for a Domestic Recycling Collection service. The service charge will be levied on:
  - each residential dwelling or;
  - in the case of multi unit complexes each residential unit within a multi unit complex.

**(vii) Domestic Garden Organics Collection Charge**

- to make an annual Domestic Garden Organics Collection charge of forty five dollars and seventy two cents (\$45.72) per annum for the monthly 240 litre domestic garden organics collection service for properties categorised as residential in accordance with Section 516 of the Local Government Act 1993 and where those properties are located within Council's waste collection area for urban areas and villages. The service charge will be levied on:
  - each residential dwelling or;

- in the case of multi unit complexes each residential unit within a multi unit complex.

**(viii) Base Commercial Waste Charge**

- to make an annual base Commercial Waste charge of one hundred and thirty one dollars and eleven cents (\$131.11) for each parcel of rateable land categorised as business within the Council area or each parcel of non-rateable land that receives a commercial waste service.

**(ix) Commercial Waste Collection Charge**

- to make an annual Commercial Collection charge of one hundred and ninety two dollars and forty cents (\$192.40) for the once weekly 240 litre commercial waste collection service for each property categorised as a business property in accordance with Section 518 of the Local Government Act 1993. The service charge will be levied on:
  - each business dwelling or;
  - in the case of multi unit complexes each business unit within a multi unit complex.
- to make an annual charge for commercial multi unit accommodation of one hundred and ninety two dollars and forty cents (\$192.40) for each six motel units entitling the motel to the equivalent of one full commercial service for each six motel units.

**(x) Commercial Recycling Collection Charge**

- to make an annual Commercial Recycling Collection charge of one hundred and thirty five dollars and seventy two cents (\$135.72) for the once weekly 240 litre commercial recycling collection service for each property categorised as a business property in accordance with Section 518 of the Local Government Act 1993. The service charge will be levied on:
  - each business dwelling or;
  - in the case of multi unit complexes each business unit within a multi unit complex.
- to make an annual charge for commercial multi unit accommodation of one hundred and thirty five dollars and seventy two cents (\$135.72) for each six motel units entitling the motel to the equivalent of one full commercial service for each six motel units.

**(b) Water Supply Local Fund**

Whereas the detailed Draft Estimates of Income and Expenditure of the Water Supply Local Fund, for the period 1 July 2009 to 30 June 2010, were considered by Council at the Meeting on 28 April 2009 and placed on public display in the Draft Management Plan, to allow public submissions on or before, Friday 29 May 2009 and whereas the

Bega Valley Shire Council Management Plan and detailed Estimates of Income and Expenditure for the period 1 July 2009 to 30 June 2010, were adopted by Council on 30 June 2009, after considering public submissions, Council pursuant to Section 501 of the Local Government Act 1993 hereby resolves:

**(i) Water Supply Charges**

- to make a charge by measure in the amount of two dollars and ten cents (\$2.10) per kilolitre for all water supplied by Council within or without of its area pursuant to section 502 of the Local Government Act 1993.
- to make an annual Access Charge for each connection to Council's water supply at a charge determined according to the size of such connection as set out in the following schedule:

Particulars	Volume Factor	Access Charge
20mm Water Connection	1.00	164.00
25mm Water Connection	1.56	255.84
32mm Water Connection	2.56	419.84
40mm Water Connection	4.00	656.00
50mm Water Connection	6.25	1,025.00
65mm Water Connection	10.56	1,731.84
80mm Water Connection	16.00	2,624.00
100mm Water Connection	25.00	4,100.00
Strata Title Units (per Unit)	1.00	164.00

- to make an annual Access Charge of one hundred and sixty four dollars (\$164.00) for all properties that are unconnected and able to be connected to the water supply of Bega Valley Shire Council;
- that subject to annual certification by a medical practitioner Council provide a four monthly allowance of seventy (70) kilolitres per patient in the case of all registered patients using home dialysis machines or other certified medical treatments free of charge, beyond this allowance all water usage is to be charged at the rate of two dollars and ten cents (\$2.10) per kilolitre;
- that in accordance with Section 575(3)b of the Local Government Act 1993 Council will provide a pension rebate equivalent to 50% of the combined water access charge and water usage charge up to a maximum of \$87.50.

**(c) Sewerage Local Fund**

**(i) Sewerage Service Charges**

Whereas the detailed Draft Estimates of Income and Expenditure of the Sewerage Local Fund, for the period 1 July 2009 to 30 June 2010, were considered by Council at the Meeting on 28 April 2009 and placed on public display in the Draft Management Plan, to allow public submissions on or before Friday 29 May 2009 and whereas the Bega Valley Shire Council Management Plan and detailed Estimates of Income and Expenditure for the period 1 July 2009 to 30 June 2010, were adopted by Council on 30 June 2009, after considering public submissions, Council pursuant to Section 501 of the Local Government Act 1993 hereby resolves:

- to make a flat sewerage service charge of nine hundred and fifty seven dollars (\$957.00) for all residential and farmland properties except residential strata and residential non strata properties connected to the Council's sewerage service network and categorised as residential or farmland in accordance with Sections 515 and 516 of the Local Government Act 1993;
- to make a flat sewerage service charge of nine hundred and fifty seven dollars (\$957.00) for each residential strata unit connected to the Council's sewerage service network and categorised as residential in accordance with Sections 516 of the Local Government Act 1993;
- to make a flat sewerage service charge of nine hundred and fifty seven dollars (\$957.00) for the first residential non-strata unit connected to the Council's sewerage service network and thereafter make a flat sewerage charge of nine hundred and fifty seven dollars (\$957.00) for each additional residential non-strata unit connected to the Council's sewerage service network categorised as residential in accordance with Sections 516 of the Local Government Act 1993;
- to make a flat sewerage service charge of four hundred and seventy eight dollars and fifty cents (\$478.50) for all properties categorised as residential or farmland in accordance with Sections 515 and 516 of the Local Government Act 1993 that are not connected and able to connect to the Council's sewerage service network.
- to make a sewer usage charge for all properties categorised as business and mining in accordance with Sections 516 and 517 of the Local Government Act 1993, calculated on the total water usage (by measure) multiplied by the sewerage discharge factor (according to the following schedule) multiplied by three dollars and twenty two cents (\$3.22) per kilolitre;
- to make a sewerage discharge factor for all properties categorised as business or mining in accordance with Sections 516 and 517 of the Local Government Act 1993 in accordance with the discharge bands that have been assessed for each of the industries classified in the following table and that the sewerage discharge factor be applied to the sewer usage charge and sewer availability charge.

Band	Discharge Factor %	Industry Classification
2	26%	Sporting Complexes
3	51%	Motor Traders, Service Stations, Garden Nurseries, Nursing Homes, Hospitals, Ambulance Stations, Fire Stations, Sporting Ovals, Caravan Parks
4	60%	Motels
5	76%	Business Houses, Hotels, Mixed Developments, Offices, Food Outlets, Clubs, Schools, Community Properties, Government Departments, Police Stations

- to make an annual sewer availability charge for each property categorised as business or mining in accordance with Sections 517 and 518 of the Local Government Act 1993 and connected or able to connect to Council's sewerage supply at a charge determined according to the size of the water meter connection as set out in the following table multiplied by the discharge factor described above:

#### Availability Charge – Sewer

Meter Size	Factor	Availability Charge Per Year
20mm	1.00	\$957.00
25mm	1.56	\$1,492.90
32mm	2.56	\$2,449.90
40mm	4.00	\$3,828.00
50mm	6.25	\$5,981.25
65mm	10.56	\$10,105.90
80mm	16.00	\$15,312.00
100mm	25.00	\$23,925.00

- to make an annual charge of four hundred and seventy eight dollars and fifty cents (\$478.50) for all non-residential properties that are not connected and able to connect to the sewerage system of Bega Valley Shire Council;

- to make an annual availability charge of nine hundred and fifty seven dollars (\$957.00) for all non-residential strata title units connected to the sewerage system of Bega Valley Shire Council;
- to make a sewerage charge of nine hundred and fifty seven dollars (\$957.00) for all non residential properties that are connected to the sewerage system of Bega Valley Shire Council and not connected to the Council's water supply;
- that in accordance with Section 575 (3) (c) of the Local Government Act 1993 Council resolves to provide a pension rebate equivalent to 50% of the residential sewerage charge up to a maximum of \$87.50 for all properties categorised as residential;
- to make a small towns special rate of \$100.00 per year for 10 years for each property sewered under the small towns sewer scheme and categorised as residential or farmland in accordance with Sections 515 and 516 of the Local Government Act 1993;
- to make a small towns special rate over a period of 10 years for each property sewered under the small towns sewer scheme and categorised as business in accordance with Section 518 of the Local Government Act 1993 as set out in the following table:

#### **Small Towns Special Rate – Business**

Water Connection Meter Size	Factor	Annual Contribution
20mm	1.00	\$100.00
25mm	1.56	\$156.00
32mm	2.56	\$256.00
50mm	6.25	\$625.00
Unconnected	1.00	\$100.00
Strata Title Units (per Unit)	1.00	\$100.00

Larger commercial properties will not pay a special rate but will be responsible for onsite works required to deliver sewage to Council's system. This applies to commercial properties that are assessed to place greater than 20 equivalent domestic tenement loadings onto the sewer system. Council will contribute to those onsite works in accordance with Procedure 2.3.1 (k) adopted by Council on 22 March 2007.

#### **(d) Exemptions – General Rates, Water & Sewer Access Charges**

Council hereby resolves that in accordance with the provisions of Sections 555 to 558 of the Local Government Act 1993 the following are exempt from general rates, water access charges and sewer access charges:

##### **Crown Land**

All Crown Land that is not being held under a lease for private purposes.

##### **National Parks**

National parks, historic sites, nature reserves, state game reserves or karst conservation reserves whether or not the land is affected by a lease, licence, occupancy or use.

##### **Churches or places of public worship**

Churches or places of public worship, minister's residence, places used for religious teaching or training, and official head or assistance official head of any religious body in the State or in any diocese within the State

##### **Public hospitals**

Land that is owned by a Public Hospital.

##### **Schools**

Land that belongs to and is occupied and used in connection with a school, school playground or residence occupied by a teacher, employee or caretaker of the school, as defined by the Education Act 1990.

##### **Government Departments or Emergency Service**

Land that belongs to and is occupied and used in connection with an emergency service or Government department or an emergency service or Government department residence provided that it is not commercially leased. This includes Police Stations and residences, Ambulances Stations and residences, Fire Stations and Government offices.

##### **Aboriginal Land Council**

- Land listed in Schedule 1 of the Aboriginal Land Rights Regulation 2002;
- Land that is not being used for a commercial or residential purpose (vacant land);  
and
- Land not being used for a residential purpose and declared by the LALC to be of cultural or spiritual significance.

**Land below a high water mark**

Land that is below high water mark and is used for any aquaculture relating to the cultivation of oysters (Detailed in the Fisheries Management Act 1994).

**Public places**

Land that is a public place.

**Public cemetery**

Land used for a public cemetery and vested in the Crown, a public body or trustees.

**Public library**

Land used solely for a free public library and vested in the Crown, a public body or trustees.

**Area Health Service**

Land that is vested in an area health service.

**Non profit community organisations**

Upon application by registered non-profit community organisations and sporting ovals controlled by non-profit community organisations and subject to meeting the following criteria:

- A registered non-profit community organisation.
- Property owned by and used for the purpose defined in the organisation's charter
- Solely operated and/or managed by volunteers.
- Open to all members of the public (or all members of the public that fall into specified sections of the community as recognised in the organisation's charter)
- Aged care facilities falling into the categories of high level care.

**(e) Interest on Overdue Rates and Charges**

Council hereby resolves that in accordance with the provisions of Section 566 of the Local Government Act 1993 the interest rate to apply to all outstanding rates and charges for the period 1 July 2009 to 30 June 2010 be calculated at 9% per annum being the maximum interest rate allowable under the provisions of the Local Government Act 1993.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## 7. Schedule of Fees – 2009/2010

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207/09 RESOLVED on the motion of Crs Britten and Campbell

1. That further to the proposed Schedule of Fees for the period 1 July 2009 to 30 June 2010 being considered by Council on 28 April 2009 and placed on public display in the Bega Valley Shire Council draft Management Plan in accordance with the provisions of Section 608 of the Local Government Act 1993, Council resolves to adopt the Schedule of Fees in accordance with the report to Council on 30 June 2009.
2. That the implementation of the proposed Coordinator of Committees and Volunteers and associated booking fees be deferred until further consideration at Councillor Workshops in July.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## Closure

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There being no further business, the Chairperson closed the meeting at 11.27 am.

CONFIRMED .....

CHAIRPERSON

Chairperson of the meeting of the Bega Valley Shire Council held on at which meeting the signature hereon was subscribed.