

DRAFT

Minutes 11 July 2006



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 11th July 2006, commencing at 8.45pm.

PRESENT:

Councillors R. Swan (Deputy Mayor); G. Francis; G Robinson; S. Tucker, H Brown; K. Jordan, G. Dingle, R. Westbury, J. Hodges, S. Dover, General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Acting Business and Support Group Manager.

584	Councillor Francis Councillor Robinson	It was resolved that the apology from Cr Baumann and Cr Nell be received and noted.
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MOTIONS TO CLOSE

ITEM NO. 1

FILE NO:1740-176

MOTION TO CLOSE MEETING TO THE PUBLIC

AUTHOR: BUSINESS PAPER CO-ORDINATOR

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary agenda namely ***Tender T07-2006 Tree Maintenance Services***
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of Tender T07-2006 Tree Maintenance Services
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

585	Councillor Robinson Councillor Hodges	It was resolved that the recommendation be adopted.
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ITEM NO. 2**FILE NO:1740-183****MOTION TO CLOSE MEETING TO THE PUBLIC****AUTHOR: BUSINESS PAPER CO-ORDINATOR**
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary agenda namely ***Garbage Collection Services for Holiday Parks and Various Council Sites***
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of Garbage Collection Services for Holiday Parks and Various Council Sites
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

586	Councillor Robinson Councillor Hodges	It was resolved that the recommendation be adopted.
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ITEM NO. 3**FILE NO:1740-182****MOTION TO CLOSE MEETING TO THE PUBLIC****AUTHOR: BUSINESS PAPER CO-ORDINATOR**
-----**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 3 on the Ordinary agenda namely Tender T13-2006 – Supply of Casual Labour (Non Clerical)
- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of Tender T13-2006 - Supply of Casual Labour (Non Clerical)
- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

587	Councillor Robinson Councillor Hodges	It was resolved that the recommendation be adopted.
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GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2006-1162

MAKING OF RATES AND CHARGES FOR 2006/2007

AUTHOR: SENIOR RATES CLERK

RECOMMENDATION IS THAT COUNCIL:

- 1) Make ordinary rates in accordance with the following schedule for 2006/2007 using 2004 land values.

Rate Type	Rate Name	Land Category Rate Applies to	Ad Valorem Rate cents in \$	Base Amount \$	% of Yield from Base Amount
Ordinary	Residential	Residential	0.2170	268.00	35%
Ordinary	Farmland	Farmland	0.2174	299.00	26%
Ordinary	Business	Business	0.7100	1,014.00	35%
Ordinary	Mining	Mining	0.7100	nil	

- 2) Make special rates in accordance with the following schedule for 2006/2007 using 2004 land values.

Rate Type	Rate Name	Land Category Rate Applies to	Ad Valorem Rate cents in \$	Base Amount \$	% of Yield from Base Amount
Special	Nelson Bay Town Improvement	All categories	0.1429	96.00	25%

The benefit area for Nelson Bay Town Improvement Rate is within the CBD at Nelson Bay as defined on the Nelson Bay Town Improvement Special Rate Map. **(as tabled)**

- 3) Levy on behalf of Hunter-Central Rivers Catchment Management Authority a catchment contribution at the rate of 0.0137 c in \$ for 2006/2007 on all rateable land with a land value of \$300 or more in the defined benefit area.

The defined benefit area for the catchment contribution is shown on the Hunter Central Rivers Catchment Map. **(as tabled)**.

- 4) Fix the interest rate to apply to overdue rates and charges during 2006/2007 at 9.0%.
- 5) Make the following Waste Service Charges for 2006/2007.
 - An annual Domestic Waste Management Charge of \$48.00 under S.496 of the Local Government Act is to be levied on every rateable assessment categorised as Farmland and every Residential assessment that does not receive a S.496 Domestic Waste Service Charge.
 - In the case of rateable assessments categorised as Farmland, if there is more than one assessment in the same ownership and they are operated as a single entity, then

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the full charge of \$48.00 is to be levied on the first assessment and a \$1.00 Additional Farm Waste Management Charge is to be levied on each of the other assessments.

- An annual Domestic Waste Service Charge of \$256.00 under S.496 of the Local Government Act is to be levied on every developed rateable assessment categorised as Residential or Farmland, whether occupied or unoccupied. Each additional dual 240 litre bin service will incur an annual charge of \$256.00. Each additional domestic waste service (red lid bin) will incur an annual charge of \$170.00. Each additional recycling service (yellow lid bin) will incur an annual charge of \$86.00. An additional service is only available if the full Domestic Waste Service Charge has been levied.
- An annual Waste Management Charge of \$48.00 under S.501 of the Local Government Act is to be levied on each rateable assessment categorised as Business or Mining, and every rateable assessment categorised as Residential that receives a S.496 Domestic Waste Service Charge, and every non-rateable property using the waste removal service.
- An annual Waste Service Charge of \$256.00 under S.501 of the Local Government Act is to be levied on every developed rateable assessment categorised as Business or Mining, whether occupied or unoccupied, and every non-rateable property using the waste removal service. Each additional dual 240 litre bin service will incur an annual charge of \$256.00. Each additional waste service (red lid bin) will incur an annual charge of \$170.00. Each additional recycling service (yellow lid bin) will incur an annual charge of \$86.00. An additional service is only available if the full Waste Service Charge has been levied.
- Domestic and Non-Domestic Waste Service Charges and Waste Management Charges commencing part way through the year are to be calculated on a pro-rata basis.

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RECOMMENDATION:

588	Councillor Robinson Councillor Brown	It was resolved that the recommendation be adopted.
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BACKGROUND

The purpose of this report is to make rates and charges for 2006/2007. Council is required to make its rates and charges by resolution and issue rate notices before 1 August each year. The rates and charges included in the recommendation are those adopted in Council's 2006/2009 Council Plan adjusted to take up the full 9.96% special rate variation announced by the Minister for Local Government.

LINKS TO CORPORATE PLANS

The estimated rates and charges have been on public exhibition as part of the 2006/2009 Draft Council Plan that has been adopted by Council.

FINANCIAL/RESOURCE IMPLICATIONS

The Minister for Local Government has announced that the application for a 9.96% special variation has been approved and it is recommended that Council take up the full special variation to improve Council's longer term financial sustainability. The proposed rate structure for 2006/2007 includes the 10 year fixed term special increase approved by the Minister for Local Government from 2001 for repayment of the Nelson Bay Town Improvement capital works.

Should Council fail to make rates and charges and serve notices before 1 August 2006 then Council would not be entitled to make the first rate instalment due until 30 November, 2006 which would adversely impact on Council's cash flow and investment income. It would also impact on all ratepayers who would have both instalments 1 and 2 due on the same date.

The Minister for Local Government has approved a maximum interest rate of 9% to be applied to overdue rates and charges during 2006/2007.

LEGAL AND POLICY IMPLICATIONS

Rates must be made and levied by 31 July 2006 for the first instalment to be due on 31 August 2006. Otherwise, the first two instalments will be due together on 30 November 2006. The proposed rates and charges reflect Council's policy decisions as detailed in the Council Plan adjusted for supplementary valuations received since the Council Plan was prepared.

Council must obtain Ministerial approval to exceed the general ratepegging increase of 3.6%

Australian Business Excellence Framework

This report aligns with the following ABEF Principles.

- 1) Clear direction allows organisational alignment and a focus on the achievement of goals
- 2) Mutually agreed plans translate organisational direction into actions
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The increased rate income from the special variation will be used to ensure that Council can continue to fund the services outlined in the Council Plan. The additional funds used for infrastructure works and environmental programs will assist in meeting increasing community expectations. The infrastructure works will assist to improve Council's ageing road network which has a significant backlog of major reconstruction, safety improvement and road rehabilitation works.

ECONOMIC IMPLICATIONS

Council has a target of achieving rates that are below the state average in the Business and Residential land categories however, Council is making no shift from Residential to Business rates in 2006/2007 so that the cost to ratepayers of the special variation is transparent.

ENVIRONMENTAL IMPLICATIONS

Additional rate income used for environmental asset rehabilitation will assist environmental protection and restoration programmes. This means protecting water quality, enhancing habitat for wildlife, reducing soil erosion and better conservation of natural areas. Waterways and foreshores are particularly under pressure from the built environment and high growth. Council needs to revisit completed environmental projects as well as commence work on \$14M of identified environmental projects.

CONSULTATION

The appropriate co-ordination and corporate consultation has taken place. The rating and charging proposals were placed on public display in the Council Plan.

OPTIONS

- 1) Accept recommendation.
- 2) Reject the recommendation.
- 3) Amend the recommendation.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nelson Bay Town Improvement Special Rate Map
- 2) Hunter Central Rivers Catchment Management Area Map

TABLED DOCUMENTS

- 1) Nelson Bay Town Improvement Special Rate Map
- 2) Hunter Central Rivers Catchment Management Area Map

CONFIDENTIAL ITEMS



In accordance with Section 10A, of the Local Government Act 1993, Council can close part of a meeting to the public to consider matters involving personnel, personal ratepayer hardship, commercial information, nature and location of a place or item of Aboriginal significance on community land, matters affecting the security of council, councillors, staff or council property and matters that could be prejudice to the maintenance of law.

Further information on any item that is listed for consideration as a confidential item can be sought by contacting Council.

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RECOMMENDATION:

589	Councillor Robinson Councillor Dingle	It was resolved that Council move into Confidential Session.
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I certify that the Ordinary Minutes of Council and Confidential Minutes of Council dated 11 July 2006 were confirmed by Council at its meeting held on Tuesday 25th July 2006.

Cr Ron Swan
DEPUTY MAYOR