

MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 26 JUNE, 2019 COMMENCING AT 6.05PM.

PRESENT: Cr M.L. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr M.I. Green, Cr J.L. Ledlin, Cr G.T. McNeill and Cr S.J. Ward.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director - Community Infrastructure), Ms N. Cowley (Executive Manager – Officer of the Chief Financial Officer), Mr G. Abeywardena (Chief Engineer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr H. McTaggart (Development Co-Ordinator), Mr A. Willis (Corporate Lawyer), Miss M. Meadows (PA to the Mayor) and 4 people in the public gallery.

1 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was read by the General Manager.

2 CIVIC PRAYER

The Civic Prayer was read by the Mayor.

3 APOLOGIES AND LEAVE OF ABSENCE

344 RESOLVED on the motion of Cr Rush and Cr Eades that:

The apologies for inability to attend the meeting submitted by Cr. B. Woodruff, Cr. R. Scholes, Cr. J. Foy, Cr. S. Bailey and Cr. S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

4 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr J. Ledlin - declared a significant pecuniary interest in Closed Council item S1. Cr Ledlin advised Council that the property she owns is included in the Debt Write-Off report.

5 PUBLIC PARTICIPATION

Mr G. Cox – DA38/2019 (Storage of Asphalt Plant)

Mr S. Pennell's – DA78/2018 (Service Station and Oliver's)

6 ENVIRONMENTAL SERVICES

6.1 DA 38/2019 - SITE PREPERATION WORKS AND INSTALLATION (STORAGE) OF ASPHALT PLANT (NO PRODUCTION PROPOSED)

345 RESOLVED on the motion of Crs Rush and Bowditch that:

Council approve Development Application No. 038/2019 proposing Site Preparation Works and Installation of Asphalt Plant at Lot 14 DP11119843, 43-45 Enterprise Crescent Muswellbrook, subject the conditions in Appendix B of the report subject to the following amendment :

Condition 3 to read:

(3) Storage Premise

The use of the subject land Lot 14 DP 1119843 is approved for twelve months (12) from the date of this consent as a storage premise for the storage of the Asphalt Plant.

6.2 DA 78/2018 - MIXED USE DEVELOPMENT COMPRISING A SERVICE STATION AND RESTAURANT

346 RESOLVED on the motion of Crs Rush and Eades that:

Council approve Development Application No 78/2018, involving a Mixed Use Development of a Service Station and Restaurant, at Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot 1 DP 159620, subject to the recommended conditions of consent contained in Attachment B.

7 CORPORATE AND COMMUNITY SERVICES

7.1 CHANGING THE VENUE FOR THE JULY 2019 AND SEPTEMBER 2019 COUNCIL MEETINGS

347 RESOLVED on the motion of Crs Green and McNeill that:

1. The Council meeting scheduled to be held on 30 July, 2019 be held in in the Council Chambers, Muswellbrook.
2. The Council Meeting scheduled to be held on 24 September, 2019 be held in the Denman Memorial Hall, Ogilvie Street, Denman.

7.2 REPORT ON INVESTMENTS HELD AS AT 31 MAY 2019

348 RESOLVED on the motion of Crs Ward and Ledlin that:

The information showing Council's investments as at 31 May 2019 be noted and the exceeded trading limits on one issuer be accepted.

8 ADJOURNMENT INTO CLOSED COUNCIL

349 RESOLVED on the motion of Crs Bowditch and Ledlin that:

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

9.1 CONTRACT 2018-2019-0346 WATER AND SEWER CONSTRUCTION AND MAINTENANCE SERVICES PANEL

Item 9.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.2 T511920HUN SUPPLY AND DELIVERY OF READY MIX CONCRETE

Item 9.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council

considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.3 FUTURE FUND POLICY SCHEDULE

Item 9.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9.4 2019/20 OPERATIONAL PLAN, BUDGET, REVENUE POLICY AND FEES AND CHARGES

Item 9.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(g) of the local government act 1993, as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

S.1 DEBT WRITE OFF

Item S.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

9 CLOSED COUNCIL

9.1 CONTRACT 2018-2019-0346 WATER AND SEWER CONSTRUCTION AND MAINTENANCE SERVICES PANEL

350 RESOLVED on the motion of Crs McNeill and Ward that:

Council

1. Approve the acceptance of the tenders submitted by Beno Excavations Pty Ltd, Eire Constructions Pty Ltd, Fitt Resources Pty Ltd, HL Mullane Pty Ltd, Interflow Pty Ltd, Knock Contractors Pty Ltd, Maxibor Australia Pty Ltd, National Civil Projects Pty Ltd, Newcastle Locating Services Pty Ltd, TCM Civil Pty Ltd and Wilmot Plumbing Pty Ltd for Contract 2018-2019-0346 Water and Sewer construction and maintenance services panel.
2. Enter into contracts with each of the approved parties for the stated contract term of three years, with provision for a 12 month extension of the contract based on performance review carried out during the term of the contract.

9.2 T511920HUN SUPPLY AND DELIVERY OF READY MIX CONCRETE

351 RESOLVED on the motion of Crs Rush and Ledlin that:

1. The best fit for purpose tenderers be awarded this contract as the Panel Source supplier to Muswellbrook Shire Council for the period 1 July 2019 to 30 June 2022; and
2. A provision be allowed for a 12-month extension based on satisfactory supplier

performance, which may take this contract through to 30 June 2023.

9.3 FUTURE FUND POLICY SCHEDULE

352 RESOLVED on the motion of Crs Rush and McNeill that:

Council adopt the Schedule.

9.4 2019/20 OPERATIONAL PLAN, BUDGET, REVENUE POLICY AND FEES AND CHARGES

353 RESOLVED on the motion of Crs Eades and Bowditch that:

The 2019/2020 Operational Plan, including the statement of Council's Revenue Policy, Budget and Fees and Charges be adopted.

354 RESOLVED on the motion of Crs Ledlin and Green that:

Council adjourn for five minutes.

The Council meeting was adjourned at 6.30PM.

The Council meeting resumed at 6.34PM

S.1 DEBT WRITE OFF

Disclosure of Interest

Cr J. Ledlin declared a significant pecuniary interest in Closed Council item S1. Cr Ledlin advised Council that the property she owns is included in the Debt Write-Off report.

At 06:34pm Cr Ledlin left the Council Chambers and therefore took no part in discussion or voting on this item.

THE MINUTES BECAME A RECORD OF PROCEEDINGS DUE TO THE LOSS OF QUORUM.

355 RESOLVED on the motion of Crs Rush and Green that:

Council delegate authority to the General Manager to determine the write-off of \$26,765.90 of sundry, uncollectable debts, as listed in the "Debt Write Off List" attachment.

At 06:39 pm Cr Ledlin returned to Council Chambers.

MINUTES RESUMED AS QUORUM PRESENT.

10 RESUMPTION OF OPEN COUNCIL

356 RESOLVED on the motion of Crs Ledlin and Bowditch that:

The meeting return to Open Council.

S.1 DETERMINATION OF SUB-CATEGORIES OF THE RATES

357 RESOLVED on the motion of Crs Eades and Bowditch that:

Council DETERMINES as follows:

Farmland – Offset

Council determines a sub-category for the category “Farmland” called “Farmland - Offset” for each parcel of rateable land valued as one assessment (“the parcel”) if its dominant use is for farming and which:

- a) has a significant and substantial commercial purpose or character, and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),

and

by reason of a planning law or a condition of a planning approval,
- c) the intensity of land use as farmland on the parcel or any part of it is affected by reason of one or more of the factors described in the schedule; and/or
- d) the productive capacity of the land for use as farmland on the parcel or any part of it is affected by reason of one or more of the factors described in the schedule.

THE SCHEDULE

- (i) The parcel is used or held as an offset, including but not limited to an environmental offset, agricultural offset or aboriginal heritage or cultural offset.
- (ii) The parcel is used for the establishment or re-establishment of:
 - a. significant and/or threatened plant communities;
 - b. significant and/or threatened plant species;
 - c. significant and/or threatened animal species.
- (iii) The parcel is used for the generation or regeneration of grassland.
- (iv) The parcel is used for:
 - a. enhancing the quality of existing vegetation and fauna habitat;
 - b. creating native vegetation and fauna habitat and rehabilitation through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary);
 - c. maximising the salvage of resources – including vegetative and soil resources – for beneficial reuse;
 - d. minimising the risk of *Phytophthora cinnamomi* spread;
 - e. collecting and propagating seed;

- f. protecting vegetation and fauna habitat;
 - g. minimising the impacts on fauna, including undertaking pre-clearance surveys;
 - h. managing any potential conflicts enhancement works and any Aboriginal heritage values (both cultural and archaeological);
 - i. managing salinity;
 - j. controlling weeds and feral pests;
 - k. controlling erosion;
 - l. managing grazing and agriculture on site.
- (v) One or more parts of the parcel is not used for grazing or is only used for controlled stock movement to prevent incidental impacts to the cultural heritage values of the parcel or any part of it.
- (vi) One or more parts of the parcel are used in such a way as to exclude all domestic stock.

Farmland – Irrigable

Council determines a sub-category for the category “Farmland” called “Farmland – Irrigable” for each parcel of rateable land valued as one assessment if its dominant use is for farming which:

- a) is not affected by the economic and/or intensity of land use factors rendering it rateable as “Farmland – Affected by Mining”; and
- b) cannot be rated as “Farmland – Offset”; and
- c) has a significant and substantial commercial purpose or character; and
- d) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made); and
- e) is subject of a water right within the meaning of the Valuation of Land Act 1916; and
- f) where the assessment or any part of the assessment:
 - (i) is irrigated for any farming purpose; or
 - (ii) has established irrigation reticulation capable of being used for any farming purpose; or
 - (iii) is wholly or partly within 100m of the Hunter River.

Note: a water right means a right or authority (however described) under the Water Management Act 2000, the Water Act 1912, or any other Act, being a right or authority to construct, install or use works of irrigation, or to use water supplied by works of irrigation.

Mining – General

Council determines the sub-category for the category “Mining” called “Mining – General” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine or metalliferous mine and cannot be sub-categorised as:

- Mining – Underground Coal Mining; or
- Mining – Metallurgical Coal Mining

Mining – Underground Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Underground Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine; and

- a) where the dominant kind of mining involved is longwall mining or board-and-pillar mining (or

both); and

- b) the land cannot be sub-categorised as “Mining – Metallurgical Coal Mining”.

Mining – Metallurgical Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Metallurgical Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a mine and metallurgical coal extraction is a subject of an approved application for a project approval, development consent or other environmental planning instrument applicable to the land permitting that use.

For the purposes of this sub-category, “metallurgical coal” includes:

- a) Coal which is capable of being used for the manufacture of steel, iron or cement;
- b) Coal which is capable of producing coke;
- c) Coal which, by industry standards and specifications, can be classified as hard coking coal, semi-soft coking coal or coking coal.

Business – Power Generation

Council determines a sub-category for the category “Business” called “Business – Power Generation” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre for any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity;
- b) the storage of, or capacity to store, more than 10 megawatts of electricity.

Business – Thomas Mitchell Drive Industrial Centre

Council determines a sub-category for the category “Business” called “Business – Thomas Mitchell Drive Industrial Centre” for each parcel of rateable land valued as one assessment located wholly or partly within the Thomas Mitchell Drive Industrial Centre.

Business – Showground Release Area

Council determines a sub-category for the category “Business” called “Business – Showground Release Area” for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and is located wholly or partly within the Showground Release Area.

Council confirms all other sub-categories determined for the 2018/19 financial year.

S.2 MAKING OF THE RATES AND ANNUAL CHARGES FOR 2019- 20

358 RESOLVED on the motion of Crs Eades and Bowditch that:

GENERAL FUND

RECOMMENDED that Council resolves as follows:

Council MAKES the following ordinary rates for the 2019/20 Financial Year.

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Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base/Min \$	Base as % of Total Rate Levied	Estimated Yield
Ordinary	Residential	Residential General –	0.4623912	\$240	22.10%	\$993,556
Ordinary	Residential	Muswellbrook & Denman	0.6195025	\$290	37.66%	\$4,351,774
Ordinary	Farmland	Farmland General –	0.3606699	\$400	14.18%	\$1,021,168
Ordinary	Farmland	Affected by Mining	1.4264364	\$15,000	0%	\$0
Ordinary	Farmland	Irrigable	0.3904191	\$440	11.23%	\$450,779
Ordinary	Farmland	Offset	1.4264364	\$15,000	0%	\$0
Ordinary	Mining	Mining - General	1.4264364	\$15,000	2.91%	\$9,267,818
Ordinary	Mining	Underground Coal Mining	0.1382412	\$7,000	45.44%	\$15,405
Ordinary	Mining	Metallurgical Coal Mining	26.020468	\$15,000	0%	\$0
Ordinary	Business	Business – General	1.2037212	\$250	9.79%	\$1,159,767
Ordinary	Business	Power Generation	8.0728479	\$25,000	19.41%	\$257,634
Ordinary	Business	Thomas Mitchell Drive Industrial Centre	1.2129431	\$275	12.49%	\$330,257
Ordinary	Business	Showground Release Area	0.2243150	\$250	2.30%	\$10,883

WATER CHARGES

The Council MAKES the following water charges for the 2019/20 Financial Year:-

1. A Water Service Availability Charge is charged for each service to the property in respect of land that is supplied with water from a water pipe of the Council and land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line. The Water Service Availability Charges for the year commencing 1 July 2019 are:

Water Service Charge Category	Amount
Availability Charge (Not Connected)	\$190
Availability Charge (Connected)	
- 20mm service	\$190
- 25mm service	\$297

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- 32mm service	\$486
- 40mm service	\$760
- 50mm service	\$1,188
- 65mm service	\$2,007
- 80mm service	\$3,040
- 100mm service	\$4,750
- 150mm service	\$10,688

2. A Consumption Tariff is to be charged per kilolitre for all water supplied. The water consumption tariffs proposed for the year commencing 1 July 2019 are:

Consumption Tariff

(\$/Kl)

Residential

Tier 1 (1-350Kl per annum) \$1.90

Tier 2 (>350Kl per annum) \$2.71

Non-Residential

\$2.36 per kilolitre

SEWERAGE CHARGES

The Council MAKES the following sewer charges for the 2019/20 Financial Year:-

An annual charge for sewer is applicable to each rateable assessment except:

- a) Land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
- b) Land from which sewage could not be discharged into any sewer of the Council.

1) Residential Sewer Charges

A Sewer Service Availability Charge is charged in respect of each Residential assessment for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges for the year commencing 1 July 2019 are:

Sewer Service Charge

Residential Sewer Availability Charge (Vacant) \$280.00

Residential Sewer Charge (Occupied) \$705.00

2) Non-Residential Sewerage Charges

Non-Residential Sewer Charges will be based on the following formula:

SC = SDF x (AC + (C x UC)) where:-

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

AC = Availability Charge

C = Total water consumption for meter

UC = Sewer Usage Charge

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The Sewer Service Availability Charges for the year commencing 1 July 2019 are:

Sewer Service Charge Category	Amount
Availability Charge (Not Connected)	\$280.00
Availability Charge (Connected)	
20mm service	\$280.00
25mm service	\$437.50
32mm service	\$716.80
40mm service	\$1,120.00
50mm service	\$1,750.00
65mm service	\$2,957.50
80mm service	\$4,480.00
100mm service	\$7,000.00
150mm service	\$15,750.00

The Sewer Usage Charge for the year commencing 1 July 2019 is:

Sewer Usage Charge (\$/KI)

Non-Residential Sewer Usage Charge \$2.36

Discharge Factors required for non-residential properties will be determined on an individual property basis.

DOMESTIC WASTE MANAGEMENT CHARGES

The Council MAKES for rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2019/20 Financial Year:-

Domestic Waste Management Service Charges

Urban Domestic Waste Management Availability Charge (1)	\$96.00
Urban Domestic Waste Management Service Charge (2)	\$400.00
Additional Urban Domestic Waste Management Service Charge	\$100.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$70.00
Additional Urban Domestic Waste Management Green Waste Service Charge	\$30.00

- (1) This charge applies to vacant rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided
- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material and one fortnightly collection of green waste for each Urban Domestic Waste Management Service Charge.

The Council MAKES for rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Domestic Waste Management Service is able to be provided, the following waste charges for the 2019/20 Financial Year:-

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Rural Domestic Waste Management Service Charge

Rural Domestic Waste Management Availability Charge (a)	\$96.00
Rural Domestic Waste Management Service Charge (b)	\$370.00
Additional Rural Domestic Waste Management Service Charge	\$100.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$70.00
Rural Domestic Waste Management Green Waste Service Charge	\$30.00

- a) This charge applies to vacant rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is able to be provided.
- b) Each habitable premise is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

The Council MAKES for land not categorised for rating purposes as residential and situated within the urban area in which a Waste Management Service is able to be provided, the following waste charges for the 2019/20 Financial Year:-

Waste Management Service Charge

Urban Waste Management Availability Charge – Non-Domestic ^(a)	\$96.00
Waste Management Service Charge ^(b)	\$370.00
Additional Waste Management Service Charge	\$100.00
Additional Waste Management Recycling Service Charge	\$70.00
Waste Management Green Waste Service Charge	\$30.00

- a) This charge applies to vacant rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided.
- b) Each premise is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.

The Council MAKES for land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is able to be provided, the following waste charges for the 2019/20 Financial Year:-

Rural Waste Management Service Charge

Rural Waste Management Availability Charge – Non-Domestic ^(a)	\$96.00
Rural Waste Management Service Charge ^(b)	\$370.00
Additional Rural Waste Management Service Charge	\$100.00
Additional Rural Waste Management Recycling Service Charge	\$70.00
Rural Waste Management Green Waste Service Charge	\$30.00

- a) This charge applies to vacant rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Waste Management Service is able to be provided.
- b) Each premise is entitled to one approved mobile waste bin service per week and one

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fortnightly collection of recyclable material for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

The Council hereby MAKES a Stormwater Management Charge for land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where exemption or variation to the charge is provided in accordance with the document "Stormwater Management Service Charge Guidelines" issued by the Division of Local Government in July 2006, for the 2019/20 Financial Year at a rate of \$25.00 per assessment and \$12.50 per residential strata unit.

Where a non-residential assessment exists with an impervious land area falling within the ranges outlined below the charge will be levied in accordance with table established below:-

Area Sqm	Charge
0 - 1,199	\$25.00
1,200 - 4,999	\$100.00
5,000 - 9,999	\$375.00
>10,000	\$725.00

INTEREST ON OVERDUE ACCOUNTS

The Council hereby determines and orders that in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven point five per cent (7.5%) per annum simple interest, calculated daily for the Financial Year.

HUNTER CATCHMENT CONTRIBUTION

The Council hereby determines and orders that in accordance with Clauses 36 and 40, Part 4 of the Local Land Services Regulation 2014 as advised by Hunter Local Land Services in 2019/20, a rate of 0.0111 (zero point zero one one one) cents in the dollar on the current Land Value of the land within the Council area. By virtue of the provisions of the above regulation, the Council is authorised, empowered and required to levy the said Catchment contribution rate in respect of the lands.

11 CLOSURE

The meeting was declared closed at 6:48pm.

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Ms F. Plesman
General Manager

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Cr M. Rush
Chairperson