

### 3.8. UTILITY CHARGES AND ASSOCIATED RATING MATTERS 2023-2024

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**MANAGER** Rachel Brophy, Chief Executive Officer

**DEPARTMENT** Finance and Corporate Services

#### RECOMMENDATION

##### 1. Cleansing Utility Charges (Waste Management):

In accordance with s 94 of the *Local Government Act 2009* and s 99 of the *Local Government Regulation 2012*, Council make and levy cleansing utility charges, for the supply of waste management services by the Council, as follows:

##### (a) DOMESTIC

- (i) A Domestic Cleansing Charge, for the purpose of removal and disposal of refuse for the 2023-2024 financial year be set at an amount of \$566.04 per service per annum and applied in accordance with the following schedule:-

Type of Improvement	No. of Services
Residence	1
Flats (each domicile)	1
Strata Title Units	1
Boarding House/Guest House/Hostel for each four (4) persons able to be accommodated or part thereof	1

- (ii) A minimum charge of one service to apply on all improved properties for refuse removal and disposal and that a minimum of one annual charge of one service be made and levied on each separate occupancy (whether occupied or vacant) within the Council solid waste area of coverage and that such charge shall apply whether or not a service is rendered, save and except that where land is for the first time built on during the year the charge shall be made from the date the structure is ready for occupancy, calculated proportionately for the unexpired part of the year.
- (iii) Ratepayers may apply for an additional cleansing service and each additional service approved will attract the standard domestic cleansing charge.
- (iv) Ratepayers may apply for an additional recycling only cleansing service and each additional recycling only service approved will attract half of the standard domestic cleansing charge. Each additional recycling only cleansing service will entitle the property to an additional recycling bin for fortnightly servicing, or equivalent.
- (v) That for the purpose of calculating utility charges, the term "Strata Title Unit" is deemed to be each lot created in accordance with the provisions of the *Body Corporate and Community Management Act 1997*.

- (vi) Ratepayers may apply for a cleansing service on vacant land and each service approved will attract the standard domestic cleansing charge.

**(b) COMMERCIAL (North of Forest Creek to Cape Tribulation)**

**A Commercial Cleansing Charge, for the purpose of removal and disposal of refuse for the 2023-2024 financial year be set as specified below:-**

**This charge will be applied to all land north of Forest Creek to Cape Tribulation in the service area that has approved safe access to the roadway on which the collection vehicle travels in the course of carrying out refuse collection on behalf of Council.**

**The service area includes the following localities: Cow Bay, Diwan, Thornton Beach and Cape Tribulation.**

**The basis of assessing such charges whether such land is rateable or not shall be as follows:-**

- (i) In the area where the services are provided by Council's day labour force/contractor, a charge of \$440.00 per annum for a weekly refuse removal service for each separate occupancy is to apply.
- (ii) In the area where the services are provided by Council's day labour force/contractor, a charge of \$440.00 per unit per annum, for a weekly refuse removal service. The charge is to be levied in accordance with the improvement schedule below.
- (iii) Commercial properties may apply for additional refuse only cleansing unit(s). Each additional refuse only cleansing unit will entitle the property to an additional refuse bin for weekly servicing, or equivalent at a charge of \$440.00 per unit.

Type of Improvement		Unit
1.	Hotels	10
2.	Cafes/Restaurants	3
3.	Take Away Food Outlets	2
4.	General store/shop	2
5.	School/kindergarten/childcare facility	1
6.	Residential dwelling, including Caretaker residence	1
7.	Caravan Park/camping Ground i. for every 5 sites or part thereof	1
8.	Motel/Resort Accommodation i. with facilities to enable the preparation and/or cooking of food. (Examples of these facilities, which are not necessarily exhaustive, would be a combination of two or more of a sink, hotplates, microwave oven, oven etc.) - for every three units or part thereof	1
	ii. without facilities to enable the preparation and/or cooking of food - for every five units or part thereof	1

Type of Improvement		Unit
9.	<b>Holiday Cabins</b>	
	<ul style="list-style-type: none"> <li>i. with facilities to enable the preparation and/or cooking of food (Examples of these facilities, which are not necessarily exhaustive, would be a combination of two or more of a sink, hotplates, microwave oven, oven etc.)</li> <li>- for every three cabins or part thereof</li> </ul>	1
	<ul style="list-style-type: none"> <li>ii. without facilities to enable the preparation and/or cooking of food</li> <li>- for every five cabins or part thereof</li> </ul>	1
10.	<b>Industrial/Commercial Premises</b> (includes professional offices and industrial/commercial premises not otherwise specified in this schedule) for each shop office	1

**(c) COMMERCIAL (Other)**

**A Commercial Cleansing Charge, for the purpose of removal and disposal of refuse for the 2023-2024 financial year be set as specified below:-**

**This charge will be applied to all land (other than land north of Forest Creek to Cape Tribulation), that has approved safe access to the roadway on which the collection vehicle travels in the course of carrying out refuse/recycling collection on behalf of Council. The basis of assessing such charges whether such land is rateable or not shall be as follows:-**

- (i) In the area where the services are provided by Council's day labour force/contractor and whether or not a recycling service has been introduced, a charge of \$566.04 per annum for a weekly refuse removal service for each separate occupancy is to apply.**
- (ii) In the area where the services are provided by Council's day labour force/contractor and whether or not a recycling service has been introduced, a charge of \$566.04 per unit per annum, for a weekly refuse removal service. The charge is to be levied in accordance with the improvement schedule below.**
- (iii) Commercial properties may apply for an additional recycling only cleansing service and each additional recycling only service approved will attract half of the standard commercial cleansing charge. Each additional recycling only cleansing service will entitle the property to an additional recycling bin for fortnightly servicing, or equivalent.**
- (iv) Eligible commercial properties may apply for an additional refuse only cleansing unit(s). Each cleansing unit will entitle the property to an additional refuse bin for weekly servicing, or equivalent at a charge of \$566.04 per unit and will apply where a private commercial service is not available or the costs of providing the private commercial service are considered excessive due to the location of the property.**

Type of Improvement		Minimum Number of Cleansing Service Units
1.	Caretakers/Managers Accommodation Each	1
2.	Schools/Pre-Schools	
	- Mossman State High School	35
	- Mossman State Primary School	15
	- Mossman State Pre-School	5
	- Daintree State School	1
	- Miallo State School	1
	- Port Douglas State School	4
	- St Augustine's School	6
	- Wonga State School	6
3.	Industrial/Commercial Premises each shop office (Includes professional offices and industrial/commercial premises not otherwise specified in this schedule)	1
4.	Hotels	10
5.	Cafes/Restaurants	2
6.	Take Away Food Outlets	2
7.	Caterer's Premises	3
8.	Grocery/Convenience Store/Supermarkets	4
9.	Halls	1
10.	Churches (including Church Hall)	1
11.	Mossman Hospital	36
12.	Day Care Centre	3
13.	Kindergartens	1
14.	Sporting Clubs	3
15.	Motel/Resort Accommodation	
	i. With facilities to enable the preparation and/or cooking of food. (Examples of these facilities, which are not necessarily exhaustive, would be a combination of two or more of a sink, hotplates, microwave oven, oven etc.)	1
	ii. Without facilities to enable the preparation and/or cooking of food - for every three units or part thereof	1
16.	Holiday Cabins	
	i. for every three cabins or part thereof	1
17.	Marinas	
	i. Up to fifty berths for every two berths, excluding berths identified in 17.iii	1
	ii. For every additional five berths in excess of fifty berths, excluding berths identified in 17.iii	1
	iii. For every commercial day trip 40m+ berth*	13

Type of Improvement		Minimum Number of Cleansing Service Units
18.	Fire Stations, Ambulance Centres, Police Stations, Court Houses	
	i. Station or Centre	1
	ii. Each Officer's Residence (where jointly rated with i. above)	1
19.	Post Offices	1
20.	Wrecking Yards	2
21.	Mossman Central Mill	10
22	Mini Storage Units (per whole shed)	1
23	Brewery	10

\* This section refers to five berths occupied by Quicksilver

(d) ALL CATEGORIES

- (i) That for the purpose of calculating utility charges, the term "Strata Title Unit" is deemed to be each lot created in accordance with the provisions of the *Body Corporate and Community Management Act 1997*.
- (ii) Any property which has more than one use may receive a combination of charges to reflect the varying uses.

2. Sewerage Utility Charges:

In accordance with s 94 of the *Local Government Act 2009* and s 99 of the *Local Government Regulation 2012*, Council make and levy sewerage utility charges, for the supply of sewerage services by the Council, as follows:

Sewerage charges shall be made for the cost of supplying a service for the removal of sewage for the 2023-2024 financial year in accordance with the following:-

- a) RESIDENTIAL and "ALL OTHER LAND" (excluding Commercial and Rural Productive)
  - (i) A standard charge of \$1,043.92 to be applied for each residence, each flat and each strata title unit.
  - (ii) A charge of \$831.18 to be applied to each vacant allotment.
  - (iii) A standard commercial charge per Water Closet (W.C.) will apply to properties where strata title units have pedestals/urinals servicing common property.

(b) COMMERCIAL

A standard charge of \$893.10 per W.C. to be applied in accordance with the following:-

- (i) In respect of sewered premises designed or used as boarding houses, hostels, guest houses, hotels or motels or designed or used for commercial, manufacturing, repairing, servicing, building and like industries, erected on one allotment of land, a separate charge for each W.C.
- (ii) In respect of sewered premises designed or used as boarding houses, hostels, guest houses, hotels or motels or designed or used for commercial, manufacturing, repairing, servicing, building and like industries, erected over two or more allotments of land, a separate charge for each W.C.
- (iii) In respect of sewered premises designed or used as boarding houses, hostels, guest houses, hotels or motels or designed or used for commercial, manufacturing, repairing, servicing, building and like industries, which are not connected to a sewer main, but in respect of which the Council is prepared to accept sewage, a charge shall be made in accordance with the applicable basis set out in subclause (i & ii) hereof. A minimum of 1 W.C standard charge shall apply.
- (iv) In respect of any structure, building or improvement on land exempt from rating under s 93 of the *Local Government Act 2009* and s 73 of the *Local Government Regulation 2012* excluding however, places of worship, a charge in accordance with the applicable basis set out in sub-clause (i) to (iii) hereof shall be levied on the person or body, or Commonwealth or State Department at whose request the structure, building or improvement was provided with sewerage.
- (v) In respect of places of public worship and nursing homes listed under s 73 of the *Local Government Regulation 2012* a charge of 50% of the standard charge for each W.C., with the total charge being rounded up to the next full charge.
- (vi) In respect of caravan parks connected to sewer mains, a charge of 25% of the standard charge equivalent to one W.C. for each caravan, each tent site and each cabin without facilities, and 50% of the standard charge for each fully self-contained cabin (FSC) shall apply with the total charge being rounded up to the next full charge.
- (vii) In respect of vacant land where Council is prepared to accept sewage, a standard charge equivalent to one W.C. per allotment shall apply.
- (viii) Each residence, each flat, each strata title unit that has for the purposes of differential rating been categorised as co-existing with a commercial category a standard charge equivalent to one W.C. per improvement on the land shall apply.
- (ix) The rating on the basis set out above to be charged from the date on which sewer connections are completed to the premises concerned. In the case of vacant land, or in the case where an owner or occupier refuses or delays permission to enter his land to complete connections, the rating be charged from the date on which connections would have been made if there was a building or improvement on the land or if the owner or occupier had not refused or delayed permission. In all those cases where the sewer connection is completed or would have been completed (as the case may be) after 1 July of the financial year, the rate shall be apportioned.

- (x) Each 1.8m of urinal or part thereof shall be deemed to be one W.C.
- (xi) Each three individual wall hung urinals or part thereof shall be deemed to be one W.C.
- (xii) Each pedestal shall be deemed to be one W.C.

**(c) RURAL PRODUCTIVE**

A standard charge of \$1,043.92 to be applied in accordance with the following:-

- (i) In respect of all seweraged premises designed or used for rural productive purposes, a standard charge per W.C. shall apply.
- (ii) In addition, where a residential improvement co-exists, the standard sewerage charge shall apply for each barrack, each residence, each flat, and each strata title unit and vacant allotment where Council is prepared to accept sewage.

**(d) ALL CATEGORIES**

In respect of sewerage for all properties the following shall apply:-

- (i) Subject to sub-clause (ii), properties and/or improvements capable of being connected to the scheme will be charged in accordance with the charges set out above.
- (ii) Council reserves the right to exempt certain properties from sewerage charges if such properties as defined by Council are not, in Council's opinion, capable of being connected to a sewer main within the foreseeable future.
- (iii) That for the purpose of calculating utility charges, the term "Strata Title Unit" is deemed to be each lot created in accordance with the provisions of the *Body Corporate and Community Management Act 1997*.
- (iv) Any property which has more than one prescribed occupation may receive a combination of charges to reflect the varying uses.
- (v) Sewage charges apply to properties within the declared sewage service area.

**3. Water Utility Charges:**

A. In accordance with s 94 of the *Local Government Act 2009* and s 99 of the *Local Government Regulation 2012*, Council make and levy water utility charges, for the supply of water services by the Council, as follows:

Water Charges shall be made for the purpose of supplying water for the 2023-2024 financial year on the following basis:-

- a) **RESIDENTIAL and "ALL OTHER LAND" (excluding Commercial and Rural Productive)**
  - (i) An access charge of \$384.39 shall be applied for each barrack, each residence, each flat, each strata title unit and each vacant allotment; and

- (ii) In respect of all properties and/or premises at which a water meter is installed on the water service connection to such property and/or premises, water usage shall be charged at the rate of \$1.70 per kilolitre for all water passing through the water meter subject to a water notice issued within the financial year.

**(b) COMMERCIAL**

- (i) An Access Charge of \$384.39 shall be applied in accordance with the following:-

- One access charge for each vacant allotment, each shop, each office, each school, each hotel, each motel, each club, each hospital and each other commercial/industrial improvement not otherwise specified.
- In respect of hotels and motels, one additional access charge shall apply for every three rooms or part thereof, provided for accommodation.
- In respect of caravan parks, one additional access charge shall apply for every three accommodation units and every six tent/van sites or part thereof.
- One access charge for each residence, each flat, each strata title unit co-existing with commercial/industrial improvements; and

- (ii) Where water is supplied through a water meter, which is not a trial water meter, all water consumed will be charged at the rate of \$1.83 per kilolitre for all water passing through the meter subject to a water notice issued within the financial year.

**(c) RURAL PRODUCTIVE**

- (i) An access charge of \$384.39 to be applied to each of the following:-

- For each barrack, each residence, each flat, each strata title unit.
- For each vacant allotment with a water meter connected.
- For each rural productive improvement with a water meter connected; and

- (ii) In respect of all properties and/or premises at which a water meter is installed on the water service connection to such property and/or premises, water usage shall be charged at the rate of \$1.70 per kilolitre for all water passing through the water meter subject to a water notice issued within the financial year.

**(d) UNTREATED WATER SCHEME RESIDENTIAL**

For residential and rural productive properties receiving an untreated water supply the following shall apply:

- (i) An access charge of \$384.39 to be applied to each of the following:-

- For each barrack, each residence, each flat, each strata title unit.
- For each vacant allotment with a water meter connected.



- For each rural productive improvement with a water meter connected; and

- (ii) In respect of all properties and/or premises at which a water meter is installed on the water service connection to such property and/or premises, water usage shall be charged at the rate of \$1.38 per kilolitre for all untreated water passing through the water meter within the water year.

**(e) UNTREATED WATER SCHEME COMMERCIAL**

For commercial properties receiving an untreated water supply the following shall apply:

- (i) An access charge of \$384.39 to be applied to each of the following:-

- For each commercial/industrial improvement; and

- (ii) In respect of all properties and/or premises at which a water meter is installed on the water service connection to such property and/or premises, water usage shall be charged at the rate of \$1.47 per kilolitre for all untreated water passing through the water meter within the water year.

**(f) ALL CATEGORIES**

In respect of all properties, the following shall apply:

- (i) In respect of newly subdivided vacant land, water charges shall be levied proportionately for the unexpired part of the year from the date the plan of subdivision is registered at the Titles Office or from the date of connection of water to the subject land, whichever date shall be the earlier.
- (ii) In respect of improvements erected during the year, water charges shall be levied proportionately for the unexpired part of the year from the date the improvement is ready for occupation, or from the date of connection of water to the subject land, whichever date shall be the earlier.
- (iii) Where residential type improvements share a meter with commercial improvements and the Department of Resources land use code for that assessment is commercial, water usage charges will be levied at the commercial rate.
- (iv) Where improvements are of a joint nature, water usage charges will be calculated using the water usage rate applicable to the differential rating category on which general rates are levied or would be levied if the property were rateable.
- (v) Meters shall be read on a rotational basis three times each year.
- (vi) For the purpose of charging water usage charges for water meters read after 1 July 2023 the charge made shall be at the rate specified for the 2023-2024 financial year.
- (vii) That for the purpose of calculating utility charges, the term "Strata Title Unit" is deemed to be each lot created in accordance with the provisions of the *Body Corporate and Community Management Act 1997*.

(viii) Any property which has more than one prescribed occupation may receive a combination of charges to reflect the varying uses.

(ix) Water charges apply to properties within the declared water service area.

B. In accordance with s 102(2) of the *Local Government Regulation 2012*, a water meter is taken to have been read during the period that starts 2 weeks before, and ends 2 weeks after, the day on which the meter is actually read.

#### 4. Interest:

In accordance with s 133 of the *Local Government Regulation 2012*, interest at the rate of eleven point six four percent (11.64%) per annum compounding daily is to be charged on all overdue rates or charges from the day the rates or charges become overdue or a later day decided by the local government.

#### 5. Levy and Payment:

(a) In accordance with s 107 of the *Local Government Regulation 2012* and s 114 of the *Fire and Emergency Services Act 1990*, Council's rates and charges (with the exception of Water Utility Charges), and the State Government's Emergency Management, Fire and Rescue Levy be levied:

- For the half year 1 July 2023 to 31 December 2023 - in July/August 2023; and
- For the half year 1 January 2024 to 30 June 2024 - in January/February 2024.

(b) Water Utility Charges (Access and Water Usage Charges) imposed for the 2023-2024 financial year will be issued three times a year.

(c) In accordance with s 118 of the *Local Government Regulation 2012*, that Council's rates and charges, and the State Government's Emergency Management, Fire and Rescue Levy, be paid within 35 days of the date of the issue of the rate notice.

#### 6. Rates Concessions:

(a) In accordance with s 120, s 121 and s 122 of the *Local Government Regulation 2012*, a rebate of 40% on the differential general rate, to a maximum of \$1,350.00 per annum be granted to all ratepayers who are pensioners who are eligible for the State Government pensioner remission and meet the criteria specified in Council's Rates pensioner remission policy and Revenue Statement.

(b) In accordance with s 120, s 121 and s 122 of the *Local Government Regulation 2012* the concession for pensioners will be extended to retirement villages (as classified under Land Use Code 21), where a legal entity separate to the residents is the owner and the residents of the village are responsible for paying the rates, to the extent that residents of the village are pensioners, who are eligible for the State Government pensioner remission and meet the criteria specified in Council's Rates pensioner remission policy and Revenue Statement. A pensioner rebate will then apply based on the number of dwellings occupied by pensioners as a percentage of the total number of dwellings in the village. The rebate per qualifying dwelling will be 40% of their

share of the total differential general rate of the property, to a maximum of \$1,350.00 per annum.

- (c) In accordance with s 120, s 121 and s 122 of the *Local Government Regulation 2012*, a concession will be granted to Not for Profit entities where Council may provide up to 100% concession of the general rate and up to 50% of sewerage charges for organisations that comply with the requirements as set out in Council's Rates rebate – Not for Profit Entities policy. This rebate is not available on vacant land.
- (d) In accordance with s 120, s 121 and s 122 of the *Local Government Regulation 2012*, a concession will be granted to owners of the following properties as an incentive for conservation under the Rates Incentive for Conservation policy:
  - (i) Properties where more than 50% of the total area of the property is covered by a Nature Refuge Agreement under the *Nature Conservation Act 1992* or the Voluntary Declarations under the *Vegetation Management Act 1999* are entitled to a rebate of up to 50% of the general rate.
  - (ii) Properties where less than 50% of the total area of the property is covered by a Nature Refuge Agreement under the *Nature Conservation Act 1992* or the Voluntary Declarations under the *Vegetation Management Act 1999* are entitled to a rebate of up to 35% of the general rate.
- (e) In accordance with s 120, s 121 and s 122 of the *Local Government Regulation 2012*, a rebate of up to 50% of the general rate will apply to owners of rateable land on the banks of the South Arm and the Heads of the Daintree River that is occupied by holders of Permits to Occupy (fishing huts) which have been issued by the Department of Resources.

## COMMENT

Refer to Revenue Statement for Financial year 2023-2024 for detailed information regarding concessions and rebates.

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## EXECUTIVE SUMMARY

This report provides the recommended resolutions required in relation to the utility charges and associated rating matters for the 2023-2024 financial year.

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2019-2024 Initiatives:

#### Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

**Goal 3** – *We will make sound financial decisions by ensuring robust strategic planning, financial management and reporting.*

## Operational Plan 2022-2023 Actions:

Legislative requirement.

### COUNCIL'S ROLE

Council can play several distinct roles in certain circumstances, and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

**Regulator** Council has several statutory obligations detailed in many regulations and legislative Acts. Council also makes local laws to ensure the Shire is well governed. In fulfilling its role as regulator, Council will use an outcomes-based approach to balance the needs of the community with social and natural justice.

**Service Provider** Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

### CONSULTATION

**Internal:** Resource Management Team, Water and Wastewater Team, Finance Team

**External:** Mead Perry Group

### COMMUNITY ENGAGEMENT

This proposal will fall within the 'inform' category of Council's Community Engagement Framework.

### ATTACHMENTS

Nil