

Prior to the commencement of the meeting, the Mayor will make the following declaration:

*“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.*

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

**SPECIAL COUNCIL MEETING**

**THURSDAY 21 JUNE 2018**

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**BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE**

<b>1. APOLOGIES</b>
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Nil.

<b>2 RATES AND CHARGES 2018/2019</b>
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(File No 23-02-00)

## **EXECUTIVE SUMMARY**

### **PURPOSE**

To set rates and charges applying to properties within the City for 2018/2019.

### **RELATION TO EXISTING POLICY/PLANS**

Consistent with adopted Rates and Charges Policy and adopted Estimates for 2018/2019.

### **LEGISLATIVE REQUIREMENTS**

Recommendation complies with rating provisions of the Local Government Act 1993.

### **CONSULTATION**

No issues to be addressed.

### **FINANCIAL IMPLICATIONS**

No direct implications, however, the draft resolutions give effect to the rating requirements inherent in Council's adopted Estimates for 2018/2019 and are therefore critical to the on-going operations of Council.

### **RECOMMENDATION:**

- A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the *Local Government Act, 1993* and the *Fire Service Act, 1979* for the financial year 1 July 2018 to 30 June 2019 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001.

### **Definitions and Interpretation**

- 1 Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act, 1993* have the same meanings as they have in that Act.  
Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below.

“**Act**” means the *Local Government Act, 1993*;

“**conservation protection arrangements**” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the *Nature Conservation Act, 2002* or by formal arrangement with Council regarding that land;

“**CPR**” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;

“**domestic refuse**” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“**land used for commercial purposes**” means land used or predominantly used for commercial purposes and includes all land coded “C” in the valuation list;

“**land used for industrial purposes**” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“**land used for primary production**” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“**land used for public purposes**” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“**land used for quarrying or mining**” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“**land used for residential purposes**” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“**land used for sporting or recreation facilities**” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“**locality areas**” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“**municipal area**” means the municipal area of Clarence;

“**non-used land**” means all land coded “V” in the valuation list;

“**refuse**” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“**the map**” means the map attached to these resolutions and marked as schedule 1;

“**valuation list**” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

“**waste management services**” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

**2. General Rate**

- 2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2018 and ending 30 June 2019 which consists of 2 components as follows:
- (a) a rate of 0.59017 cents in the dollar on the capital value of the land; and
  - (b) a fixed charge of \$293.00.
- 2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:
- (a) for land used for primary production, the rate is varied by decreasing it by 0.36262 cents in the dollar to 0.22755 cents in the dollar;
  - (b) for land used for residential purposes, the rate is varied by decreasing it by 0.36262 cents in the dollar to 0.22755 cents in the dollar;
  - (c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.36262 cents in the dollar to 0.22755 cents in the dollar; and
  - (d) for land which is non-used land, the rate is varied by decreasing it by 0.36262 cents in the dollar to 0.22755 cents in the dollar.

**3. Services Rates and Charges**

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2018 and ending 30 June 2019 as follows.

- 3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30m of Council's drain, of 0.03959 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$89.95.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$199.65 per service provided.

- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the service rate for stormwater removal (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:
- (a) the Rate is varied by decreasing it by 0.03959 cents to 0.00 cents in the dollar of the capital value of the land if:
    - i. the land is not located within an area coloured red on the map; or
    - ii. the land is not within a sewerage district, defined as at 30 June 2009, being the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with land outside that District and which is within the locality areas described as Richmond, Dulcott and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District.
  - (b) for land which is used:
    - i. for primary production;
    - ii. for residential purposes;
    - iii. for private aged care purposes;
    - iv. for sporting or recreational facilities; or
    - v. which is non-used land;and which is not the subject of the variation at Clause 3.3(a) the Rate is varied by decreasing it by 0.02722 cents to 0.01237 cents in the dollar of the capital value of the land.
- 3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:
- (a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$239.95;
  - (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$399.30;

- (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$49.55, this variation being in addition to any other variation which may apply to the land;
- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$49.55 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$30.10, this variation being in addition to any other variation which may apply to the land;
- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$399.30.

#### **4. Fire Service Rate**

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows.

- 4.1 An Urban Fire Service Rate of 0.06347 cents in the dollar on the capital value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$40.00.

- 4.2 A District Fire Service Rate of 0.0169 cents in the dollar on the capital value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$40.00.
- 4.3 A Rural Fire Service Rate of 0.01715 cents in the dollar on the capital value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$40.00.

## **5. Maximum Percentage Increase**

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2017/2018 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used, or predominantly used, by ratepayers and is occupied as a principal dwelling by persons who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991, the maximum percentage increase is varied to 10%;
  - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
  - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
  - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;

- (e) subparagraphs (a) to (d) do not apply to:
  - i. any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act made after 1 July 2014 if any increase in the value of the land is attributable to the undertaking of capital improvements or the subdivision of land; or
  - ii. where the general rate was not applied in full in the 2017/2018 financial year for any reason, including the exercise of any discretion or the grant of any remission.

**6. Remissions**

6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$175.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Interim Planning Scheme 2015 as Significant Agricultural, Rural Living, Environmental Living or Rural Resource, Council grants the following Remissions in respect of component (a) of the General Rate, (as per Clause 2.1):

Area of Land	Proportional Remission of component (a) of the General Rate
Not less than 20hectares and not greater than 50 hectares	20% of component (a) of the general rate
Not less than 50 hectares and not greater than 80 hectares	30% of component (a) of the general rate
Greater than 80 hectares	40% of component (a) of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
  - (b) for industrial purposes;
  - (c) for mining and quarrying purposes;
  - (d) for primary production purposes; or
  - (e) for public purposes
- and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;

- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.7% applies to all rates excluding any fire service rate.

6.4 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which Paragraph 3.3(a) above applies.

## **7. Separate Land**

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

## **8. Adjusted Values**

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Act, except where these resolutions otherwise provide.

## **9. Instalments**

Pursuant to Section 124 of the Act Council decides:

- 9.1 Where rates are not paid by instalments, the date of payment is the 31<sup>st</sup> day after the issue of the rates notice;
- 9.2 All rates may be paid by all rate payers by 4 instalments, which must be of approximately equal amounts;
- 9.3 The dates by which instalments are to be paid shall be as follows:
  - (i) the first instalment on or before the 31<sup>st</sup> day after the issue of the rates notice;
  - (ii) the second instalment on or before the 61<sup>st</sup> day after the due date of the first instalment;
  - (iii) the third instalment on or before the 31<sup>st</sup> day of January 2019; and
  - (iv) the fourth instalment on or before the 29<sup>th</sup> day of March 2019.

- 9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

## **10. Late Payments**

That in accordance with Section 128 of the Act Council decides as follows.

- 10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.
- 10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debits system, Centrepay, or other formal system of regular payments, is not in arrears and does not default on such payments.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 8.81% per annum.

**NB: A Decision on this Item requires an Absolute Majority of Council**

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The purpose of this report is to consider Rates and Charges for 2018/2019, variations to rates and charges for 2018/2019 and the fixing of maximum percentage increases and the remission of rates and charges for 2018/2019.

### **2. REPORT IN DETAIL**

- 2.1.** The recommendations associated with this report give effect to the rating implications of the Estimates adopted by Council at its Meeting of 4 June 2018. They are consistent with Council's adopted Rates and Charges Policy.
- 2.2.** Reflecting the adopted Estimates, after growth and allowing for the effect of State Government charges, the total rate requirement increased by 2.6%.

- 2.3.** Council’s Fire Service Contribution, which is a State Government charge payable directly to the Tasmania Fire Service, has increased by 7.0% in nominal terms. Within this overall average, the urban area has increased by 6.8%, the district areas (including, for example, Richmond, Cambridge, Seven Mile Beach, and South Arm) have increased by 7.3% and the rural area by 10.5%. This distribution of increases has been determined by the State Fire Commission and Council has no discretion over its implementation.
- 2.4.** The rating resolution refers to “the map” as Attachment 1 to this report. The purpose of the map is to clarify the precise areas to which the stormwater rate applies. A scaled-down version of the map is attached to this report for convenient reference, however a higher level of detail is provided in the electronic version of this agenda which has been made available to Aldermen. The large scale version of the map forms part of the recommendation to Council and will be tabled at the Council Meeting by the General Manager for reference. Should the recommendation be adopted, the tabled map will form part of the minutes of the meeting.
- 2.5.** The recommendations contain no significant changes from rating policies adopted by Council in respect of 2017/2018.
- 2.6.** Rating of independent living units associated with aged care facilities remain subject to legal challenge. This matter was determined in Council’s favour by the Magistrate’s Court during 2017/2018, however an appeal has been lodged with the Supreme Court and is yet to be heard.
- 2.7.** There remain some minor on-going rate caps applying to a very small number of properties across the City arising from the full revaluation of property values effective 1 July 2013 and Council’s decision to rate on the basis of capital values commencing in the 2013/2014 year. The redistribution effect of these caps for 2018/2019 will be immaterial, being less than \$2,000 and applying to approximately 7 properties.

**2.8.** Proposed rate variations are consistent with past policy and include variations to both the General Rate and the Stormwater Rate. The waste charge is again varied on a “component” basis under which properties are charged at a more granular level according to the level of service provided. This was introduced in 2014/2015 in line with the implementation of the greenwaste bin service and provision of the opportunity for property owners to request multiple bins.

**2.9.** Council’s own Pensioner Remission Policy is consistent with the past year.

**2.10.** Other remissions are also consistent with current policy and recent rating decisions.

**3. CONSULTATION**

**3.1. Community Consultation**

No issues to be addressed.

**3.2. State/Local Government Protocol**

No issues to be addressed.

**3.3. Other**

No issues to be addressed.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Consistent with Council’s adopted Rates and Charges Policy and the adopted Estimates for 2018/2019.

**5. EXTERNAL IMPACTS**

No issues to be addressed.

**6. RISK AND LEGAL IMPLICATIONS**

Draft resolutions are consistent with relevant legislation.

**7. FINANCIAL IMPLICATIONS**

No direct implications, however, the draft resolutions give effect to the rating requirements inherent in Council's adopted Estimates for 2018/2019 and are therefore critical to the on-going operations of Council.

**8. ANY OTHER UNIQUE ISSUES**

No issues to be addressed.

**9. CONCLUSION**

The recommendations give effect to Council's rating requirement for 2018/2019 and associated rating policies including variations of rates and rate remissions.

Attachments: 1. The Map - Schedule 1 (1)

Andrew Paul  
**GENERAL MANAGER**