

# MINUTES OF A SPECIAL MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 JUNE 2022

**HOURL CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.02pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley  
H Chong  
L Edmunds  
D Ewington  
R H James  
T Mulder  
J Peers  
S von Bertouch  
J Walker  
B Warren; present.

**1. APOLOGIES** W Kennedy

**ORDER OF BUSINESS** Items 1 – 6

**IN ATTENDANCE**

General Manager  
(Mr I Nelson)  
  
Group Manager Engineering Services  
(Mr R Graham)  
  
Manager Health and Community Development  
(Mr J Toohey)  
  
Chief Financial Officer  
(Ms J Murrell)  
  
Manager Communication and Strategic Development  
(Mr C Paske)  
  
Executive Officer to the General Manager  
(Ms J Ellis)

The Meeting closed at 8.06pm.

**SPECIAL COUNCIL MEETING****MONDAY 27 JUNE 2022****TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	ACKNOWLEDGEMENT OF COUNTRY .....	2
2.	ATTENDANCE AND APOLOGIES.....	2
3.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	2
4	RATES AND CHARGES FINANCIAL YEAR 2022/2023.....	3
5	ANNUAL PLAN 2022/2023 .....	12
6.	CLOSED MEETING .....	13
6.1	CONTRACTUAL MATTER	

**1. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor:

- made the following statement:

*“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”.*

- recited the Council prayer; and
- advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

**2. ATTENDANCE AND APOLOGIES**

Refer to cover page.

**3. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in the item on the Agenda.

**INTEREST DECLARED:**            **NIL**

<b>4</b>	<b>RATES AND CHARGES FINANCIAL YEAR 2022/2023</b>
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**EXECUTIVE SUMMARY****PURPOSE**

To set rates and charges applying to properties within the City for financial year 2022/2023.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with adopted Rates and Charges Policy and adopted Estimates for financial year 2022/2023.

**LEGISLATIVE REQUIREMENTS**

Complies with rating provisions of the Local Government Act 1993.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

The proposed resolutions give effect to the rating requirements inherent in Council's adopted Estimates for financial year 2022/2023 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*, the *Fire Service Act, 1979* and the *Waste and Resource Recovery Act 2022* for the financial year 1 July 2022 to 30 June 2023 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 levy”** means the levy established in accordance with Part 3 of the *Waste and Recovery Act 2022* (Tas)

**“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 2022 and ending 30 June 2023 which consists of 2 components as follows:

- (a) a rate of 0.425800 cents in the dollar on the capital value of the land; and

- (b) a fixed charge of \$250.00.

2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares 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 0.271684 cents in the dollar to 0.154116 cents in the dollar;
- (b) for land used for residential purposes, the rate is varied by decreasing it by 0.271684 cents in the dollar to 0.154116 cents in the dollar;
- (c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.271684 cents in the dollar to 0.154116 cents in the dollar; and
- (d) for land which is non-used land, the rate is varied by decreasing it by 0.271684 cents in the dollar to 0.154116 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 2022 and ending 30 June 2023 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 0.03310201 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 \$93.35.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$218.60 per service provided, inclusive of the Waste Levy.

- 3.3 That pursuant to Section 107 of the Act, Council 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 0.03310201 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 landand which is not the subject of the variation at clause 3.3(a) the Rate is varied by decreasing it by 0.01925201 cents to 0.01385 cents in the dollar of the capital value of the land.
- 3.4 That pursuant to Section 94 of the Act, Council varies the Waste Management Service Charge, inclusive of the Waste Levy, 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, where a 120-litre mobile bin has been provided by Council for the refuse component of the waste management services, the Waste Management Service Charge is varied to \$277.65;
  - (b) in respect of land, where a 240-litre mobile bin has been provided by Council for the refuse component of the waste management services, the Waste Management Service Charge is varied to \$458.75;
  - (c) in respect of land, where no 240-litre mobile green waste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$47.55, this variation being in addition to any other variation which may apply to the land;

- (d) in respect of land, where an additional 240-litre mobile green waste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$47.55 in respect of each green waste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land, where a 240-litre mobile bin has been provided by Council for the recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$35.70, this variation being in addition to any other variation which may apply to the land;

#### **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 0.04167300 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 \$44.00.
- 4.2 A District Fire Service Rate of 0.01200 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 \$44.00.
- 4.3 A Rural Fire Service Rate of 0.01189 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 \$44.00.

#### **5. Maximum Percentage Increase**

- 5.1 Pursuant to Section 88A of the Act, Council 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 2021/2022 financial year.



5.2 Pursuant to Section 88A(1)(b), Council declares that the maximum percentage increase varies within the municipal area according to the following factors:

- (a) for all rateable land used, or predominantly used, for residential purposes 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 2021 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 2021/2022 financial year for any reason, including the exercise of any discretion or the grant of any remission: or
  - iii. where the land use code as provided by the Valuer General in respect of the 2022/2023 year varies from 2021/2022.

## **6. Remissions**

6.1 Pursuant to Section 129 of the Act, Council 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 \$125.00;

- (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 Tasmanian Planning Scheme – Clarence Local Provisions Schedule, as Agriculture, Rural Living, Landscape Conservation or Rural, 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 20 hectares 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, either refuse, recycling and/or green waste charges, are 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 2.0% 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 2023; and
  - (iv) the fourth instalment on or before the 31<sup>st</sup> day of March 2023.
- 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, and subject to the application of Council's relevant policies, 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 debit system.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 8.13% per annum.

/ Refer to Page 11 for Decision on this Item...

**RATES AND CHARGES FINANCIAL YEAR 2022/2023 /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Chong <b>SECONDED</b> Ald Edmunds	
	“That the Recommendation be adopted”.	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald Ewington
	Ald Blomeley	Ald James
	Ald Chong	Ald Mulder
	Ald Edmunds	Ald Walker
	Ald Peers	
	Ald von Bertouch	
	Ald Warren	

<b>5 ANNUAL PLAN 2022/2023</b>
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**EXECUTIVE SUMMARY****PURPOSE**

To consider the Annual Plan for the 2022/2023 financial year.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with Council's adopted Strategic Plan and adopted Estimates.

**LEGISLATIVE REQUIREMENTS**

Section 71 of the *Local Government Act 1993* requires Council to prepare and adopt an annual plan for each financial year.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

No direct financial implications, however, the draft Annual Plan reflects the Estimates adopted by Council for financial year 2022/2023.

**RECOMMENDATION:**

That the Annual Plan for financial year 2022/2023 attached as Attachment 1 to the Associated Report be adopted.

**Decision:**

**MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Recommendation be adopted”.

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (7.39pm).

The Mayor **resumed** the Chair at 7.41pm.

The **MOTION** was **put** and **CARRIED**

**FOR**

Ald Chipman  
Ald Blomeley  
Ald Chong  
Ald Edmunds  
Ald Mulder  
Ald Peers  
Ald von Bertouch  
Ald Walker  
Ald Warren

**AGAINST**

Ald Ewington  
Ald James

## 6. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

### 6.1 CONTRACTUAL MATTER

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

- contracts and tenders for the supply of goods and services.

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Peers <b>SECONDED</b> Ald Warren	
	“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.	
	<b>CARRIED</b>	
	<b>FOR</b> Ald Chipman Ald Blomeley Ald Chong Ald Edmunds Ald Ewington Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren	<b>AGAINST</b> Ald James (abstained)