



Meander Valley Council
Working Together

Policy Manual

May 2023

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POLICY MANUAL

Policy Number: 1

Risk Management

Purpose:

The purpose of this policy is to provide a framework for the management of risk, and define the responsibilities of staff and management in the risk management process.

Department:

Governance

Author:

Martin Gill, General Manager

Council Meeting Date:

14 August 2018

Minute Number:

148/2018

Next Review Date:

September 2022

POLICY

1. Definitions

Nil

2. Objective

- Ensure that appropriate risk management is an integral part of management processes within Council operations so as to minimise any consequential loss, damage or injury to persons or property.

3. Scope

This policy applies to the Council, the Workplace Health and Safety and Risk Management Committee, employees, contractors and volunteers in the management of risk that arises from all Council activities.

4. Policy

The Meander Valley Council is committed to proactively managing risk that arises from all Council activities, providing and maintaining a healthy and safe living environment for the general community within all Council controlled areas. Council endeavours to ensure that the environment and facilities provided for the community and employees are safe, minimize the potential for risk and are underpinned by practices and procedures that control risk.

Council recognises that risk management is an essential tool for sound strategic and financial planning and the ongoing physical operations of the organisation. Adequate funds and resources will be provided by Council to ensure the following outcomes:

- Identify and analyse Council's liability associated with risk
- Encourage the identification and reporting of potential risks
- Minimise any potential liabilities
- Protect the community against losses that are controllable by Council
- To maintain an appropriate level and type of insurance to cover risk
- A high standard of accountability
- Set performance standards and regularly review practices and procedures
- Allow for more effective allocation and use of resources
- To promote and raise the awareness of Risk Management practices throughout the organisation
- Protect Council's corporate image as a professional, responsible and ethical organisation

The above outcomes will be achieved by managing risks in accordance with the Standard or Standards referred to in Section 5 of this policy. This involves logically and systematically identifying, analysing, assessing, treating and monitoring risk exposures that are likely to adversely impact on Council's operations. Specifically, this includes the following areas of potential losses:

- Personnel (Workplace Health and Safety);
- Plant and Property;
- Liability (including Public Liability and Professional Indemnity);
- Financial;
- Business continuity;
- Community Recovery.

Link to Council's Community Strategic Plan

Our Community Strategic Plan under Future Direction 5, "Innovative leadership and community governance" provides for Meander Valley Council to be recognised as a responsibly managed organisation.

Roles and Responsibilities

Councillors, management, employees, contractors and volunteers all have a joint responsibility of making risk management a priority as they undertake their daily tasks in the operations of Meander Valley Council. Management and staff are to be familiar with and competent in the application of Council's Risk Management Policy and are accountable for adherence to that policy within their areas of responsibility.

Council

- Provide commitment and support so that the risk management policy can be implemented.
- Provide adequate budgetary provision for the implementation of this policy.

General Manager

- Recognise, adopt and ensure implementation of appropriate Risk Management as an essential function of the organisation
- Facilitate the provision of awareness training throughout Council
- Provide risk management related information, as requested by Council, and
- Ensure risks are managed in accordance with the Standard or Standards referred to in Section of this policy, legislation and other Council policy.

Directors/Supervisors

- Maintain overall responsibility for the effective management for all types of risks related to this policy across Council's operations;
- Ensure that Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing and loss control programs and measures;
- Prepare and implement documented procedures for each area of operations;
- Monitor and audit practices and processes to ensure appropriateness to current conditions and practices;
- Provide information when requested which will assist in the investigation of a risk management issue or claim that has been made against Council;
- Immediately act upon information provided by employees or residents who are reporting a hazard or incident; and
- Actively implement Risk Management audit recommendations.
- Promote and inform all employees, contractors and volunteers of the policy and their requirements.

Employees, Contractors and Volunteers

- Familiarise themselves with Council's Risk Management policy, principles and procedures;
- Employ risk management principles and practices to ensure that loss control and prevention is a priority whilst undertaking daily tasks;
- Report any hazard or incidents as soon as possible that may have a potential risk exposure to Council, employees, contractors or the public;
- Assist positively with investigations related to incidents that have occurred as a result of a hazard or incident; and
- Take notice of and implement recommendations or risk management audits conducted in the workplace.

Work Health & Safety and Risk Management Committee

- Effectively co-ordinate and facilitate risk management operations within the framework provided by the Standard or Standards referred to in Section f of this policy, legislation and Council policy;
- Review Council's risk management policies and procedures;
- Recommend new procedures or amendments to existing procedures to reduce risk;
- Review and monitor Council's risk management performance measures; and
- Monitor the recommendations and outcomes from risk management audits.

Implementation

A Risk Management Strategy including internal audits and reviews will be completed on a regular basis to enable progressive adjustment of practices to be undertaken to achieve full compliance with this policy.

Performance Review

Council will ensure that there are ongoing reviews of its management system to ensure its continued suitability and effectiveness. Records of all reviews and changes shall be documented.

5. Legislation & Related Standards

- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012
- AS/NZS ISO 31000:2009 Risk Management Standard
- AS ISO GUIDE 73:2009 Risk Management – Vocabulary
- AS ISO IEC 31010:2009 Risk Management – Risk Assessment Techniques

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 2

Stock Underpasses on Council Roads

Purpose:	To outline the basis upon which Council will allow for the construction of underpasses within Council maintained road reserves
Department:	Infrastructure Services
Author:	Dino De Paoli, Director
Council Meeting Date:	8 September 2020
Minute Number:	175/2020
Next Review Date:	September 2024

POLICY

1. Definitions

Nil.

2. Objective

To ensure a uniformity of acceptable standard of construction and an appropriate approval process for construction of underpasses that allow for the movement of stock across a road carriageway safely without affecting other users of the carriageway.

3. Scope

This Policy applies to the Council and its employees and any land owner wishing to install a stock underpass within a Council road reserve.

4. Policy

Council will permit underpasses to be constructed within a Council road reserve subject to the adjoining property owner obtaining all relevant permits.

The property owner requesting the underpass shall be responsible for all costs. Council may consider a contribution of up to 50% of the capital cost with an upper limit of \$50,000 where there is a significant benefit to road users.

Upon approval for construction of the underpass, the property owner shall enter into a Part 5 agreement under the Land Use Planning and Approval's Act, which formalises the requirements for ongoing maintenance or replacement of the underpass, which



will be the responsibility of the property owner. Maintenance of the road pavement and any barriers will be the responsibility of Council.

5. Legislation

Local Government Act 1993

Local Government Highways Act 1982

Land Use Planning and Approvals Act 1993

6. Responsibility

The responsibility for the operation of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 3

Election Caretaker Arrangements

Purpose:	To prescribe 'caretaker' arrangements to be applied to the conduct of Council business following notice of a general local government election by the Tasmanian Electoral Commission.
Department:	Governance
Author:	John Jordan, General Manager and Jacqui Parker, Manager Governance & Performance
Council Meeting Date:	12 July 2022
Minute Number:	161/2022
Next Review Date:	<i>June 2026 (as set, or every four years or as required)</i>

POLICY

1. Definitions

By-Election:	Election to replace a councillor after the councillor's office becomes vacant.
Candidate:	A person standing for election.
Caretaker Period:	Period from the notice of election through until the close of the polls of the relevant local government general election.
Electoral Material:	Any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.
Election Campaign:	Activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns and advertising.
Major Policy Decision:	The appointment, remuneration or termination of the General Manager, approval of contracts greater than \$250,000, adoption or renewal of policies, making, amending or repealing of planning schemes (unless already certified), and establishment of by-laws. Any amendment to Council's adopted budget that exceeds \$250,000 over budget

estimates, but not a reallocation of funds from one project to another that remains within Council's overall budget.

Council Resources: Any equipment, materials, office space or property owned or operated by Council, but excluding publicly bookable venues. Any information, systems, images or social media and websites of Council.

2. Objective

To provide direction to Councillors, Council staff and election candidates on the conduct of Council business during the period of an election.

3. Scope

This policy applies to:

- a. Elected members, employees and contractors of Council, for the duration of any caretaker period for a local government general election.
- b. This policy does not apply to local government by-elections, other than the restrictions applicable to the use of Council resources and information for the advantage of a candidate or political party during a by-election.

4. Policy Statement

Meander Valley Council, its elected representatives and staff will, during a caretaker period, conduct the business of Council in a manner that balances continuity of service and administration with the need to ensure that:

- a. Major policy decisions are not made by the Council in the lead-up to an election that would prove binding or limit freedom of action for an incoming Council;
- b. Council resources and information are not used for the advantage of a candidate, interest group or political party in a local government general election; and
- c. The apolitical nature of the services provided by the Council staff is protected and controversy about their role and work in the context of an election period is avoided.

5. Major Policy and Funding Decisions

- a. During a Caretaker Period, Council will avoid decisions which give rise to major policy, resourcing or financial outcomes that:
 - i. Commit or compromise the freedom of the incoming Council;
 - ii. Risk reputational damage to Council; and
 - iii. Risk drawing Council or staff into matters of political contention within the context of an election campaign.
- b. For clarity, a Major Policy Decision does not include promises on future policies or actions a candidate or political party announces as part of their election campaign.
- c. During a Caretaker Period, Council (or the General Manager as applicable under delegation) will not:
 - i. Appoint, dismiss or renew the contract of a General Manager. An acting General Manager may still be appointed in the event of any absence or resignation by the incumbent General Manager.
 - ii. Approve proceeding to tender or the awarding of a contract where the total commitment exceeds \$250,000. This does not prevent the General Manager executing, within the Caretaker Period, a contract as agreed by a resolution of the Council before the Caretaker Period.
 - iii. Make, amend or repeal a local planning instrument under the *Land Use Planning and Approvals Act 1993* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy).
 - iv. Make a new By-Law.
 - v. Council will not approve or renew any Council major policies unless there is a legislated or compelling business requirement supported by qualified advice that is certified by the General Manager under the *Local Government Act 1993*: s65. Such reasons may include:
 - A. Unforeseen issues such as an emergency, legal requirement or other matter not otherwise foreseen, which may compel the Council or the General Manager to exercise judgment and make a Major Policy Decision

in order to ensure continuity of service or address a compelling business need; or

- B. A decision relates to a component or activity that forms part of an approved and ongoing program of work where the total spend is specified in the annual budget, *and* which if not progressed during the Caretaker Period would cause a substantial disruption, risk of loss, damage or reputational harm to Council if the decision is deferred.
- d. Where the above circumstances apply, as described in either 5(c)(v)(A) or 5(c)(v)(B) of this Policy, in the interests of transparency Council will:
- i. Issue a public advice on its website as to the reasons for the variation to the above restrictions.
 - ii. Such advice does not alter the need and discretion Council has on the release or otherwise of information determined in a Closed Session of the Council.

6. Major Announcements and Representation of Council

- a. This policy applies to the timing of the making of Major Policy Decisions that are likely to commit an incoming Council, not to their announcement.
 - i. This policy is not contravened where decisions made before the calling of an election are announced during the caretaker period.
 - ii. Where possible, decisions that have been agreed but not made public should be announced ahead of the caretaker period if their announcement is likely to cause controversy during the election campaign.
- b. Whether a particular policy decision or announcement qualifies as 'major' is a matter for judgement. The General Manager will if needed provide guidance or a determination on whether or not a decision should be made.
- c. The Mayor shall continue to be the spokesperson for Council in accordance with Section 27 of the Local Government Act 1993 (the Act) and shall carry out the civic and ceremonial functions of the mayoral office during the Caretaker Period.

- d. Individual Councillors may continue to represent the community and facilitate communication between Council and the community for the duration of the Caretaker Period.
- e. Councillors who are candidates for re-election are to ensure they continue to comply with the Act and relevant policy, including but not limited to:
 - i. Policy 23 - Responsibilities of Council Representatives; and
 - ii. Policy 49 - Media Communications.
- f. In fulfilling their duties as a Councillor during this period, Councillors may claim allowances and expenses under Council's Policy 24: Councillor Expense Entitlements, Attendance at Conferences and Training. For the avoidance of doubt:
 - i. In circumstances where a Councillor is travelling or attending solely as an election candidate then no allowances may be claimed.
 - ii. If undertaking an official role designated to the Councillor, including deputation for the Mayor, Deputy Mayor or as a designated spoke person of Council, then any entitlement to allowances is not altered.
- g. Councillors will not use the position of elected representative, or access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign.
- h. A Councillor shall not use membership of a Council committee or appointment as a member of an external group to disseminate information or promote their or any other candidate's election campaign.

7. Access and Use of Information

- a. At the commencement of the Caretaker Period the General Manager is to:
 - i. Review all advertising campaigns, events or community activities and make recommendations to the Council about whether those campaigns should continue, be modified in content, or be deferred.

- ii. Review arrangements for the distribution of publicly communicated material, such as newsletters. Council will avoid active distribution of material if it promotes a candidate or political party.
- b. During the Caretaker Period the following provisions shall apply:
 - i. No electoral material shall be permitted to be displayed or distributed on any Council owned or managed property.
 - ii. Council supplied equipment and Council branded material shall not be used by in any manner that supports a candidate's election campaign.
 - iii. Councillors may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described under Section 28 of the *Local Government Act 1993*.
 - iv. Councillors will not use the position of elected representative, or access to employees or resources, to gain media attention in support of their own, or any other candidate's, election campaign.
 - v. Nothing in this policy removes the requirement of Councillors and staff to comply with relevant policy and guidelines relating to the security, use and distribution of information and material.

8. Continuity of Council Business and Operations

Nothing in this policy prevents the Mayor, Councillors, General Manager and staff from carrying on the business of the Council during a Caretaker Period:

- a. Council meetings shall continue to be held and will consider agenda items that relate to the ordinary business of Council other than those matters otherwise identified in this policy.
- b. The General Manager may still exercise all delegations and functions provided by Council or legislation, including the appointment of staff.
- c. Council employees shall maintain the normal business activities of Council. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a

candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

- d. Capital works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of scale.
- e. The Mayor and Councillors may continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business.
- f. All elected representatives are to comply with requirements to declare gifts and donations.
- g. Council supplied equipment and Council branded material shall not be used by Councillors or staff in any manner that supports a candidate's election campaign.

9. Legislation & Related Standards

- *Local Government Act 1993*
- *Tasmanian Electoral Act 2004*
- *Land Use Planning and Approvals Act 1993*

10. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 4

Subsidised Waste Disposal for Community Groups

Purpose:

The purpose of this Policy is to allow for the reimbursement of community groups for waste disposal fees where the work performed is to benefit the community

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

8 September 2020

Minute Number:

176/2020

Next Review Date:

September 2024

POLICY

1. Definitions

Nil.

2. Objective

The purpose of this Policy is to allow for the reimbursement to community groups for waste disposal fees where waste is collected from work performed for the benefit of the community.

3. Scope

This Policy is to apply to the Council and its employees, external service clubs and community groups who may wish to dispose of material at Council's waste disposal sites and obtain reimbursement of fees paid.

4. Policy

In recognition of the valuable work carried out by service clubs and other community groups in the Council area a process will be made established for reimbursement of tipping fees at Council's waste disposal sites. This process is dependent on the following:

1. The group must be a recognised service club or similar not for profit community group who are carrying out necessary community clean-up work which has the prior approval of Council or other appropriate authorities.
2. Reimbursement of fees will normally only apply to volumes of refuse not exceeding the capacity of a single utility and/or single-axle trailer and the number of entries to Council's waste disposal sites for each service club or not-for-profit group shall be restricted annually to no more than 26.
3. Where a service club or community group may wish to conduct a large scale clean up where the volumes would exceed those listed above, contact must be made with the Director Infrastructure Services for approval of the type of material and appropriate disposal location.
4. Material deposited at Council's waste disposal sites is restricted to normal domestic waste, vegetation waste, construction waste and demolition waste only.
5. Normal tip fees shall be paid at the time of disposal by the service club or community group who shall then provide the receipt to the relevant Council officer for approval prior to reimbursement.
6. Where possible material to be disposed of at Council's waste disposal sites shall be sorted for recycling purposes and deposited accordingly.

5. Legislation

Local Government Act 1993

6. Responsibility

The responsibility for the operation of this Policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 11

Public Open Space Contributions

Purpose:

The purpose of this policy is to outline the requirements and calculation methodology relating to contributions towards public open space for subdivisions.

Department:

Development & Regulatory Services

Author:

Krista Palfreyman, Director

Council Meeting Date:

11 May 2021

Minute Number:

89/2021

Next Review Date:

June 2025

POLICY

1. Definitions

Nil

2. Objective

The objective of this Policy is to ensure developers make an appropriate contribution towards public open space to account for population growth facilitated by increasing the density of residential development when carrying out subdivisions.

3. Scope

The policy shall apply to all subdivision applications received by Council.

4. Policy

Council in accordance with the provision of Section 117 of the *Local Government (Building and Miscellaneous Provisions Act) 1993* (The Act) require a contribution equivalent to 5% of the land value of the lots as a cash in lieu contribution towards Public Open Space for all subdivisions.

The cash contribution will be calculated in accordance with provisions of Section 117(2) of the Act.

Council may consider accepting a land area contribution of no more than 5% of the total area shown on the plan, instead of cash in lieu contributions in the following circumstances:

- Where the land is identified in a strategic land use planning document adopted by Council; or
- The land has high visibility and provides a link with existing roads, paths and trails.

Council will not require Public Open Space contributions:-

- For a boundary adjustment where no new lot is created; or
- Where the new lot is not capable of residential development.

5. Legislation

Local Government (Building and Miscellaneous Provisions) Act 1993

6. Responsibility

Responsibility for the operation of the Policy rests with the Director Development and Regulatory Services.

POLICY MANUAL

Policy Number: 13

Subdivision Servicing

Purpose:

The purpose of this policy is to require all newly created lots to be fully serviced by the owner or developer to the appropriate standard and requirements of Council.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

10 March 2020

Minute Number:

51/2020

Next Review Date:

March 2024

POLICY

1. Definitions

Nil.

2. Objective

To provide guidelines for developers servicing newly created lots.

3. Scope

This policy applies to development of any public or private land.

4. Policy

All new lots created by subdivision are to be fully serviced by the owner or developer to the standard consistent with the locality and to the requirements of the Council Engineer. Such services may include the provision of roads, kerbs, vehicle access, footpaths, nature strips and landscaping, and drainage works including the extension of services from the nearest available Council location.

Where the provision of such services may place an intolerable or unaffordable burden on existing Council infrastructure, then Council may refuse the subdivision. This refusal may be reviewed at a future date when there is adequate capacity available within the Council infrastructure.



In circumstances where Council deems that it is not reasonable or feasible to provide a gravity stormwater connection to service all areas of new lots, partial lot control or pumped solutions will be considered for future development on those lots at the discretion of Council's engineer.

5. Legislation

Local Government (Building & Miscellaneous Provisions) Act 1993

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 14

Fencing – Council owned land

Purpose:

To outline the circumstances in which Council will share the cost of boundary fences with other property owners.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

12 November 2019

Minute Number:

204/2019

Next Review Date:

November 2023

POLICY

1. Definitions

Nil.

2. Objective

To ensure the sharing of costs of boundary fencing between Council owned land and adjoining private land is in accordance with legislation.

3. Scope

This policy applies to the Council, its employees and any land owner adjacent to Council owned land.

4. Policy

Council will share the cost of fencing boundaries between private and Council owned land in accordance with the Boundary Fences Act 1908. This act exempts Council from making a contribution where Council owned land is a roadway (which includes a public highway, street, right –of-way, whether the right-of-way is a vehicle access, horse-way or foot-way), un-occupied land, a reserve or public place.

Situations where Council is not exempt and is required to share in the cost of a boundary fence include where a property adjoins a Council owned:

- house or building where these are the dominant use on the title;
- commercial or security area e.g. Council depot.

5. Legislation

The policy conforms to the Tasmanian Boundary Fences Act 1908.

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 15

Driveway Crossovers

Purpose:

To ensure that formal application is made to Council in any instances where a driveway crossover needs to be constructed or altered.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

8 December 2020

Minute Number:

242/2020

Next Review Date:

December 2024

POLICY

1. Definitions

“Driveway Crossover” – is that part of the vehicular access from the road carriageway to the adjoining property boundary. This may include a kerb crossing or culvert in an open drain.

2. Objective

The objective of this Policy is to provide a process to ensure that driveway crossovers are constructed safely and to the satisfaction of Council’s engineer.

3. Scope

This Policy applies to the Council, private and public authority landowners, developers and anyone constructing or altering a driveway crossover.

4. Policy

- (a) Council will require an application to be made where a new driveway crossover is to be constructed, a driveway crossover is not constructed to Council Standards or an alteration to an existing driveway crossover is needed.
- (b) Where construction of additional new driveway crossovers to existing properties or major alterations to existing driveway crossovers are required,

construction shall be undertaken by a contractor approved by Council with the experience and public liability insurance..

- (c) Driveway crossovers are categorised as rural or urban, based on the formation of the adjacent road. All driveway crossovers must be constructed to the satisfaction of Council's engineer and appropriate Tasmanian Standard Drawings as required.

5. Legislation

Local Government Highways Act 1982

6. Responsibility

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 20

Infrastructure Contributions

Purpose:

To provide fair and equitable contributions by Council towards third party development of infrastructure.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

8 June 2021

Minute Number:

109/2021

Next Review Date:

June 2025

POLICY

1. Definitions

Infrastructure: Includes roads, kerb and channel, surfacing, drainage, footpaths, open space, buildings, signage, utilities, and other services.

Upgrade: Improvements undertaken to existing infrastructure, or replacement of existing infrastructure, to provide a higher level of service.

2. Objective

To provide guidelines for Council to consider contributions to developers towards the cost to upgrade infrastructure adjacent to subdivisions and other development where there is an interest in and/or the infrastructure is maintained by Council.

3. Scope

This Policy applies to any infrastructure upgrade for the benefit of the community.

4. Policy

Council officers will use the following guidelines when determining the level of contribution to infrastructure upgrades:

- Contributions may use a technical basis for assessment that include:
 - Land area
 - Traffic volume or use
 - Street frontage
 - Per lot
- Consideration for the required standard of infrastructure based on:
 - Tasmanian Standard Drawings
 - Asset hierarchy
 - Council's strategic documents
 - Capacity requirements e.g. storm water drains
 - Current and future requirements including maintenance
- Consideration for the remaining life of infrastructure including the depreciation and write off when replacing or demolishing existing infrastructure.
- Consideration for the possible staging of works where possible to defer the need for upfront infrastructure investment.
- Consideration of the existing level of service and standard of construction of the infrastructure prior to the proposed upgrade.

Council contributions are subject to approval within the Council budget process.

5. Legislation

Not applicable

6. Responsibility

Responsibility for the application of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 21

Vandalism Reduction

Purpose: Reduce vandalism to Council property and mitigate costs associated with graffiti removal, repairs, maintenance and devaluation of Council assets. Improve the appearance and amenity of Council assets for the benefit of community users.

Department: Governance

Author: Jacqui Parker, Governance Coordinator

Council Meeting Date: 13 April 2021

Minute Number: 70/2021

Next Review Date: *April 2024*

POLICY

1. Definitions

Council asset: Any building, structure, vehicle, plant or other asset that Council owns, possesses or is responsible for managing. Assets may include (without limitation) fittings, fixtures, consumables or other goods, ground surface, air quality, fixed or portable furniture, tools, plant and equipment, etc.

Council worker: A person currently engaged to work with Council as an employee, volunteer or contractor, who is acting in the course of their engagement or otherwise carrying out Council business in an official capacity.

Graffiti: Any marking (writing, drawing or otherwise) on a Council asset, by any medium (permanent or otherwise), that is not commissioned or permitted by Council. To avoid doubt, this includes being in possession of graffiti equipment without lawful excuse.

Offender: A person identified as having engaged in an act of vandalism, or suspected of having engaged in an act of vandalism. This may be an individual person, group of people, or a club, association or other specific user group.

Remedial action: Any repair, maintenance, replacement, painting, cleaning, equipment upgrades or other corrective actions required to be undertaken in order to address an act of vandalism.

Security upgrades: Any change to the security of a Council asset which may decrease its vulnerability (or that of other Council assets) to similar acts of vandalism in future. Examples: temporary or permanent camera monitoring, reducing or eliminating public access, increased street lighting, security screens, enhanced locks or alarm systems, security service monitoring, etc.

Vandalism: Behaviour, including graffiti, that causes a Council asset to be damaged, destroyed, defaced, soiled, removed, relocated or otherwise devalued without Council's permission, including suspected or attempted vandalism.

2. Objective

The objective of this policy is to strategically protect Council assets from unlawful vandalism behaviours. It will reduce the considerable cost of asset repairs, replacement and restoration while delivering a community benefit through the improved appearance and amenity of Council assets. This is to be achieved by:

- (a) swift, consistent and strategic remedial steps that prevent Council assets from becoming established as vandalism targets; and
- (b) an increased risk of detection and consequences to deter offenders through enhanced community participation and improved investigative techniques.

3. Scope

This policy applies to vandalism of Council assets by any person.

4. Policy

1. Council will promptly undertake remedial action for reported vandalism in its routine Works program, to prevent sites becoming established as vandalism targets.
2. The Director Works or Director Infrastructure Services has discretion to undertake preliminary investigations into reported vandalism. This may include site inspection, monitoring, camera surveillance, or informal enquiries with nearby residents, business owners or other community members.
3. After preliminary investigations, and taking into account the seriousness of the behaviour and its impact on the community, the General Manager has discretion to direct any of the following additional steps:

- Community involvement in further investigations (e.g. social media campaign, letter drops, door knocks, newspaper and other media, etc.) and seeking input from affected community members or user groups
 - Where appropriate, a reward offered to any person who volunteers information leading to the identification of a vandalism offender.
 - Reaching informal agreements for redress by identified offenders, which may include:
 - in-kind remedial action (e.g. cleaning, painting, repair work, etc.);
 - pay compensation;
 - other steps to address harm caused (e.g. apology);
 - Any other steps reasonably justified (within the limits of financial delegation) to prevent repeat patterns of vandalism behaviour, such as:
 - increased security services;
 - increased or permanent surveillance;
 - changes in access to facilities;
 - changes in conditions of use for facilities (e.g. possession of graffiti equipment banned);
 - lighting or structural upgrades;
 - changes to building and landscape design features;
 - agreements and consultation with user groups or other interested parties;
 - signage and other public notices or communications.
 - A formal report to Tasmania Police, or commencement of other legal processes;
 - A claim against any relevant property insurance policy held by Council.
4. A reward offered under this policy will:
- not exceed a maximum total value of \$1000; and
 - may be offered as cash, or as goods and services of an equivalent value (at the General Manager's discretion); and
 - be consistent with the requirements of the *Police Offences Act 1935* (s41); and
 - be advertised to the community either on a broad or targeted basis, as deemed appropriate during the investigative process; and
 - be claimable by any member of the community aged 12 years or over, except Councillors (or their immediate families) and Council workers (or their immediate families); and
 - be claimable by children under the age of 12 only with the permission of a parent or legal guardian.
5. In determining the appropriate steps to be actioned under this policy, Directors and the General Manager must consider:
- the cost of any remedial action; and

- the degree of nuisance, offence and any other community impact that may arise from the vandalism behaviour (whether financial or non-financial), including individual impacts;
- the age and other personal circumstances of any offender identified during Council or police investigations;
- any other relevant advice, information, intelligence or community views available to Council.

5. Legislation

Police Offences Act 1935 (Tas)

Criminal Code 1924 (Tas)

Civil Liability Act 2002 (Tas)

6. Responsibility

Responsibility for the operation of this policy rests with the Director Works, Director Infrastructure Services and with the General Manager.

POLICY MANUAL

Policy Number: 23

Responsibilities of Council Representatives

Purpose:

To set out adequate procedures and agreed expectations for Meander Valley Council representatives to effectively represent Council on external organisations.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

18 April 2023

Minute Number:

078/2023

Next Review Date:

April 2027 (as set, or every four years or as required)

POLICY

1. Definitions

"Organisation" includes joint authorities, incorporated associations, special committees of Council and working groups.

"Director" acting as a member of people that manages or oversees the affairs of a business or enterprise.

2. Objective

To provide guidance and direction for Councillors and staff attending external meetings as representatives of Council.

3. Scope

This policy applies to all persons appointed by Council to officially represent Council.

4. Policy

General responsibilities of a Council-appointed representative in performing their duties:

- To regularly attend the meetings of the organisation to which they have been appointed;
- To accurately represent the *agreed collective policy positions* of the Council at any meetings of that organisation;

- To report to Council and the General Manager any relevant activities or issues being considered by the organisation that are relevant to Council operations or activities;
- To seek direction or advice on any issues from the Council or General Manager as appropriate, and report back to the organisation.

Procedures and expectations for each of these points are outlined below:

Meeting Attendance

Appointed representatives are expected to:

- Make all reasonable efforts to ensure attendance at each scheduled meeting and ensure that the convener of the meeting is promptly made aware of attendance, apologies, and any proxy attendances as appropriate.
- Correspond with the convener of the meeting (or via the Office of the General Manager where appropriate) to ensure that all agendas, minutes, and other relevant materials are received with adequate time for review and preparation.
- Ensure that any proxy attendee is offered reasonable notice of any request to attend and is adequately briefed on the nature of business expected to be discussed at the meeting.

Representing the views of the Council at any meeting

The purpose of the appointment of a representative on an external organisation is to act as a conduit between the Council and the external organisation and to promote the Council's objectives.

Councillors acting as representatives must understand and communicate the Council's view on an issue, notwithstanding that they may hold contrary personal views.

Council officers acting as representatives are required to act and express professional views impartially. Where a Council officer is obliged to express a professional view not currently supported by a decision or policy set down by the Council, the officer must ensure that the meeting is aware of this fact. Council officers, including executive staff, must refrain from expressing personal views in such instances.

Reporting to Council

For Councillors, the provision of regular verbal or written reports on the relevant activities and issues of the organisation will assist Council to improve its understanding and support of the activities of the organisations on which Council is represented, and enable responsiveness and lines of communication between agencies

For staff, a brief written report should be submitted to the relevant Director who will refer any relevant information to the General Manager and Councillors, as required or appropriate.

Reports should be succinct, with enough information to enable the reader to gain an appreciation of the activity or issue.

Seeking direction or advice on issues requiring Council consideration

Individual Councillors are not able to make any commitments on behalf of the Council. There will often be matters raised by an organisation that will require either a decision or direction by the Council or the General Manager. Where such a matter is raised it is expected that the representative will discuss this with the General Manager to determine if the matter needs to be considered by Council or whether an operational response is more appropriate. Council officers within the limits of their authority and delegation may make commitments that are consistent with Council policy and due process.

The representative is responsible for ensuring prompt and effective liaison and communication with the organisation when such matters arise.

Directorships

To limit the risk of exposure of both individual elected members and the Council to potential claims against them, a representative is not to accept appointment as a Director or Officer Bearer of an external organisation, other than where specifically approved by Council or where such appointment is a requirement of being a representative.

This does not preclude a Councillor or employee being appointed as an individual, noting the requirement to manage any real or perceived conflict of interest.

5. Legislation

Local Government Act 1993

6. Responsibility

The responsibility for the operation of the policy rests jointly with the Mayor and General Manager.

POLICY MANUAL

Policy Number: 24

Councillor Expense Entitlements, Attendance at Conferences and Training

Purpose:

To provide guidelines for the reimbursement of Councillors expenses incurred in carrying out their duties.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

18 April 2023

Minute Number:

079/2023

Next Review Date:

April 2027 (or every four years or as otherwise required)

POLICY

1. Definitions

Councillors: All elected members of the Meander Valley Council including the Mayor and Deputy Mayor.

2. Objective

To ensure Councillors are adequately reimbursed on a consistent basis for expenses incurred in carrying out their duties including professional development and training.

3. Scope

This policy applies to all Councillors.

4. Policy

Allowances

The allowances for the Mayor, Deputy Mayor and Councillors are as outlined in the *Local Government (General) Regulations 2015* and *Section 340A of the Local Government Act 1993*. Allowances are paid monthly by direct deposit into the Councillor's nominated bank account.

If the Deputy Mayor is appointed to act in the role of Mayor for a period of 4 consecutive weeks or more, the Deputy Mayor is entitled to receive, for that period, the allowance payable to the Mayor.

Travelling and Carer Expenses

Councillors are entitled to reimbursement of travelling expenses and care of any child or dependent while carrying out the duties of office in the following situations: -

- To attend Council meetings, Council workshops, meetings of any committee of the Council and any other meeting where the Councillor has been delegated or authorized by Council to attend.
- Upon inspections or business within the Council area, provided such inspections or business is undertaken in compliance with a Council decision or Council meeting agenda item.
- To attend to business of the Council, outside the Council area, in compliance with a Council decision or Council meeting agenda item.
- Attendance at the Annual Conference of the Local Government Association of Tasmania or any meeting of a regional organisation or committee to which Council sends a delegate.
- Attend any conference, seminars, and training in compliance with the relevant section of this Policy.
- Travel must be taken in the shortest route practical.
- The travelling allowance for Councillors shall be paid in accordance with the Australian Taxation Office cents per kilometre rate set for each financial year.
- Reimbursement for Councillors other than the Mayor will be paid on a monthly or quarterly basis.
- Council is to make a fully maintained Mayoral vehicle available to the Mayor, when representing Council at meetings, functions, and other activities. The Mayoral vehicle will be managed in accordance with Council's vehicle policy as approved by the General Manager, with the classification being a private user. The allocated vehicle is for use by the Mayor when attending Council related activities and may also be used by the Mayor for private purposes.
- Carer expense claims need to provide sufficient evidence of the cost, net of any reimbursements received or due.

Telephones

Council will reimburse Councillors for the cost of telephone (including rentals, data, and calls) up to a maximum \$500 per 12 months. Claims need to include evidence of the costs incurred and sufficient information to show that it relates to the carrying out of the duties of office.

Communication Equipment

For each term of office, Council will provide each Councillor with:

- Capital reimbursement up to maximum of \$3,000 for purchase of a mobile phone, tablet, a fax/printer/scanner, a computer (loaded with an appropriate

operating system and office suite) and a filing cabinet to assist them in performing their duties.

- The capital reimbursement will be paid upon evidence of the purchase of the equipment.
- Council will reimburse Councillors for the cost of home internet up to a maximum \$500 per 12 months. Claims need to provide evidence of the costs incurred and sufficient information to show that it relates to the carrying out of the duties of office.

Should a Councillor resign or the term of office be terminated prior to the normal four year term, then all communication equipment will be returned to Council or a pro-rata refund of all communication equipment purchase costs will be payable by that Councillor (this shall be in the form of a cash refund or an equivalent deduction from any allowance payable to the Councillor as outlined in the *Local Government (General) Regulations 2015*).

Secretarial Assistance

Council will provide a reasonable level of word processing assistance to enable elected members to carry out their official duties. The General Manager will have discretion in determining the extent of assistance which can be provided.

Stationery

Council, shall upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements.

Stationery may include but not necessarily limited to paper, business cards, writing implements, diaries, writing pads, facsimile paper, envelopes, and the like.

Requests for stationery will be by the way of the completion of a requisition presented to the General Manager.

Conferences, Seminars and Training

Council recognises the obligation on Councillors to be properly informed on matters relating to governance and Council decisions. The following guidelines apply to conference, seminars, and training:

- Council will provide an annual budget for conference, seminars, and training expenses for Councillors.
- The Council and General Manager are to ensure that there is equity between Councillors in relation to attendance at conferences, seminars, and training courses.

- The Council is to ensure that conferences, seminars and training courses are relevant to the current activities of Council and the training and professional development needs of Councillors.
- Councillors attending a conference must submit a written report to the General Manager within 4 weeks of returning from the conference. This report should outline the conference program and benefits gained.
- Councillors attending a training course or seminar shall provide any course notes or handouts to the General Manager for distribution to other Councillors.
- Councillors who wish to attend a conference, seminar or training program must lodge a Training Registration Form with the General Manager. Details of the conference, seminar or training program must be attached to the Training Registration Form.
- Attendance, accommodation, airfares, and reasonable meal expenses will be arranged by Council or paid by reimbursement to the Councillors.

Where the total cost of registration, travel and expenses is likely to exceed \$2,500, the General Manager will refer the application to Council for consideration and approval.

Where the total cost of registration, travel and expenses is less than \$2,500, then the General Manager will have delegated authority to consider and approve the application.

If the General Manager refuses an application, a Councillor may submit an application in writing for consideration at a meeting of Council.

The Mayor and Deputy Mayor are Council's designated delegates to the LGAT Annual Conference. Other Councillors may attend by using the Councillor Training Registration Form.

Other Expenditure

Any expenditure not specified above as expenditure for which a Councillor is entitled to be reimbursed or paid by the Council shall be the responsibility of the Councillor, except where Council resolves otherwise.

General Provisions

The following general provisions apply to this policy wherever appropriate to determine the amount of out-of-pocket expenses that will be reimbursed to Councillors:

- Councillors will not be reimbursed for time spent representing the community; this is taken into account in legislated Councillor Allowances.
- Councillors will be provided with name badges.
- Where travel is by flight the standard form of travel will be economy class.

- Travelling expenses, carer expenses and out of pocket expenses will, unless there are exceptional circumstances, be paid in arrears.
- Council will not reimburse claims later than 12 months after the claim has been incurred by the Councillor.
- Given that the Councillor Allowance is expected to be treated by the Australian Taxation Office as assessable income in the individual's hands, Councillors are encouraged to consider whether expenditure is deductible for taxation purposes as an expense necessarily and solely incurred in the carrying out of their Council duties. Prevailing taxation laws and substantiation requirements should be recognised and considered when maintaining records for deduction purposes.

5. Legislation & Related Standards

- *Local Government Act 1993*
- *Local Government (General) Regulations 2015*

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 34

Real Estate Advertising Signs

Purpose:

To outline Council's position on the erection of real estate advertising signs on Council owned or managed property.

Department:

Development & Regulatory Services

Author:

Krista Palfreyman, Director

Council Meeting Date:

13 September 2022

Minute Number:

180/2022

Next Review Date:

July 2026 (as set, or every four years or as required)

POLICY

1. Definitions

Real Estate Advertising Sign – a sign erected for the purpose of advertising, or otherwise promoting, a parcel of land or building for sale, lease or let.

Council Land – any land owned or controlled under lease or other means by Meander Valley Council. This includes, but is not limited to, road reserves, parks and reserves, and nature strips.

2. Objective

The objective of this policy is to control the erection of real estate advertising signs on Council land, ensuring visual amenity is maintained and to mitigate any risk of injury to persons as a result of the erection of such signage Council land.

3. Scope

This policy applies to all Council land.

4. Policy

Unless otherwise approved by the General Manager for the purpose of selling, leasing or letting of Council owned or controlled land, Council:

- Will not permit real estate advertising signs to be erected on Council land such as nature strips, reserves, etc.
- Council officers are authorised to remove any signs illegally erected or placed on Council land.

5. Legislation

Land Use Planning and Approval Act 1993

Tasmanian Planning Scheme – Meander Valley

6. Responsibility

Responsibility for the operation of this policy rests with the Director Development & Regulatory Services.

POLICY MANUAL

Policy Number: 36

Private Timber Reserves

Purpose:

To establish the assessment framework for referrals of Private Timber Reserve applications.

Department:

Development & Regulatory Services

Author:

Krista Palfreyman, Director

Council Meeting Date:

11 May 2021

Minute No:

90/2021

Next Review Date:

June 2025

POLICY

1. Definitions

“Private Timber Reserve” means a private timber reserve established under the Forest Practices Act 1985.

“Forest Practices Authority” means the body corporate that oversees the administration of private timber reserves by Private Forests Tasmania.

“Planning Scheme” means the Tasmanian Planning Scheme – Meander Valley.

2. Objective

To establish a process for determining if Council will object to an application for a Private Timber Reserve referred to it by the Forest Practices Authority.

3. Scope

This policy is to apply to the Council and its employees in assessing and considering applications for Private Timber Reserves under the Forest Practices Act 1985.

4. Policy

It is policy that:

- The Delegated Assessment Group will undertake a preliminary assessment of the application for a Private Timber Reserve referred to Council by the Forest Practices Authority
- In undertaking the assessment the Delegated Assessment Group will consider:
 - The location of the proposal relative to:
 - Karst High Sensitivity areas
 - Water catchment areas
 - Sensitive agricultural activities
 - Priority and threatened species habitat
 - The relevant provisions of the Tasmanian Planning Scheme – Meander Valley.
 - The following provisions of the Forest Practices Act 1985 whereby an application for a declaration of land as a private timber reserve shall be refused if the Authority is satisfied that
 - Section 8(2)b i.e. the land is not suitable for declaration as a private timber reserve; or
 - Section 8(2)d i.e. by virtue of the operation of any Act, the owner of the land is prohibited from establishing forests, or growing or harvesting timber, on the land; or
 - Section 8(2)e i.e. it would not be in the public interest to grant the application
 - Community submissions received.
- The Delegated Assessment Group will determine if an objection against the proposal should be lodged
- If it is determined that an objection should be lodged, the Delegated Assessment Group will:
 1. Lodge an objection with the Forest Practices Authority if a formal decision of Council cannot be made within the statutory notification period
 2. Prepare a report for formal consideration by Council. Council will decide if it will proceed with the objection

5. Legislation

The Forest Practices Act 1985
Tasmanian Planning Scheme – Meander Valley

6. Responsibility

Responsibility for the operation of this policy rests with the Director Development & Regulatory Services.

POLICY MANUAL

Policy Number: 37

Vegetation Management

Purpose:	To provide direction for the management of vegetation on Council property and Council managed land.
Department:	Infrastructure Services
Author:	Natasha Szczyglowska, Technical Officer
Council Meeting Date:	13 February 2018
Minute Number:	35/2018
Next Review Date:	February 2022

POLICY

1. Definitions

Vegetation	Trees, shrubs, grasses, sedges and herbs: generally all plant life in a location
Native Vegetation	A plant which is indigenous to Tasmania
Remnant Vegetation	Native vegetation that retains the characteristics of the vegetation which existed on that site prior to settlement. It may be in good or degraded condition.
Urban Areas	Areas that have been developed for a wide range of community and civic purposes within a town, suburb or city.
Urban Forest	Vegetation within urban areas: primary component of urban ecosystems.
Biodiversity	The variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part.

2. Objective

The objectives of this policy are to:

- Sustain the character and biodiversity values of rural locations through the management of vegetation
- Manage vegetation in urban areas in a manner that improves the amenity and environmental performance of our townships, parks, reserves and roadsides
- Manage vegetation in a manner that ensures the safety of our community.

3. Scope

This policy applies to vegetation on Council property and Council managed land.

4. Policy

Vegetation, including remnant vegetation and plantings of native and exotic species, are important features of Meander Valley's scenic landscapes and contribute to the unique character of rural areas, townships and many urban areas.

Native vegetation plays an important role as a source of genetic diversity, enhancing open space and in improving the health of waterways.

Vegetation provides an array of social, health and well-being, economic and environmental benefits to the community.

Council will develop a strategy for managing vegetation that:

- Provides guidance for the planning, maintenance and improvement of parks, reserves and roadsides
- Assesses site suitability and use to ensure appropriate species and densities are planted and maintained
- Recognises ancillary benefits for the health and well-being of the community provided by urban forests
- Within reason ensures public safety in our parks and on our roadsides
- Promotes positive environmental outcomes
- Recognises the importance of maintaining and enhancing biodiversity
- Recognises the cultural values of vegetation and protects high value vegetation; vegetation communities and remnant vegetation
- Recognises the role of riparian vegetation in enhancing water quality within streams and wetlands
- Encourages the appropriate vegetation of waterways
- Recognises the role remnant vegetation has in defining the character of a place
- Recognises the important role that vegetation can play in managing landslip and salinity risks
- Within reason ensures Council works with adjoining landowners

5. Legislation and associated Council policies

- Boundary Fences Act 1908
- Threatened Species Act 1995
- Land Use Planning and Approvals Act 1993
- Environment Protection and Biodiversity Conservation Act 1999
- Historical Cultural Heritage Act 1995
- Local Government (Highways) Act 1982
- Forest Practices Act 1985

- Nature Conservation Act 2002
- Weed Management Act 1999

6. Responsibility

The Director Infrastructure Service is responsible for ensuring compliance with this policy.

POLICY MANUAL

Policy Number: 43

Purpose:

Dog Management

To establish a Dog Management Policy for the Municipal Area that complies with the *Dog Control Act 2000*.

Department:

Development & Regulatory Services

Author:

Katie Proctor

Council Meeting Date:

11 October 2022

Minute Number:

210/2022

Next Review Date:

October 2027

POLICY

1. Definitions

As per *Dog Control Act 2000*.

Assistance dog: a dog which is an 'assistance animal' as defined in section 9 of the *Disability Discrimination Act 1992* (Cwth).

2. Objective

The objective of this policy is to ensure that Council consistently and effectively fulfills its responsibilities under the *Dog Control Act 2000* (the Act), by:-

- ensuring that owners of dogs comply with their obligations under the Act;
- preventing the danger caused by dogs to the public and to other dogs and animals;
- minimising the distress and nuisance caused by dogs to the public;
- actively promoting the responsible ownership of dogs; and
- providing for the reasonable exercise and recreational needs of dogs, including the identification of on-lead and off-lead exercise areas.

3. Scope

Applies to an owner or a person who has control of a dog/s, either residing within or visiting the Meander Valley Council local government area.

4. Principles

This policy will apply in accordance with the following principles:-

1. Recognition: of the contribution that dog ownership can provide to community health and wellbeing;
2. Balance: the need for a balanced approach to achieve a compatible relationship between dogs, dog owners, neighbours and the general public; and
3. Compliance: the legislative requirement for both the Council to enforce, and for dog owners to comply with, the provisions of the Act.

5. Policy

5.1 Code for Responsible Ownership of Dogs

Council is committed to promoting responsible dog ownership through the following Code for Responsible Ownership of Dogs:

"It is expected that dog owners or persons in control of a dog will comply with all requirements of the Dog Control Act 2000, and be responsible for:-

- *ensuring that their dog is registered and microchipped once it is six (6) months of age (and older);*
- *ensuring that their dog is appropriately housed and contained within a secure yard;*
- *ensuring that their dog wears its Council identification tag;*
- *ensuring that their dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food and water;*
- *ensuring that their dog receives adequate exercise;*
- *taking all reasonable steps to ensure that their dog does not cause a nuisance to others;*
- *ensuring that their dog is under effective control when in a public place;*
and
- *cleaning up after their dog."*

5.2 Education

Council recognises the importance of providing information and education regarding responsible dog ownership and management to all members of the community. Education promoting responsible and compliant ownership and control is viewed as the best tool to combat common issues associated with dogs in the community.

Mechanisms that may be used to provide education include:

- signage at declared areas (i.e. dog exercise areas);
- day-to-day interactions with Council Officers;

- pamphlets outlining the requirements of the Act, the Code for Responsible Ownership of Dogs, and the services available to assist community members to be responsible dog owners;
- regular articles in Council newsletters (e.g. Valley News) and updates via Council's social media channels, community radio and website; and
- visits to schools to make presentations to students on dog ownership issues and responsibilities (upon request).

5.3 Complaints, Nuisance & Community Safety

Nuisance Barking

Barking dogs can be a difficult issue to deal with as every situation is different. The Act specifies a barking nuisance as a noise that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

Management of barking complaints

1. In the first instance, residents should contact the owner of the dog directly to resolve the problem, as this is proven to be the most effective approach and also assists to maintain neighbourhood harmony.
2. If unable to resolve the issue of a barking dog directly with the owner, then Council should be notified. The Council may elect to contact the dog owner to discuss their dog's behaviour and make suggestions as to how owners can remedy any problems.
3. A person may make a formal complaint to Council; this must be lodged on Council's official complaint form and the appropriate fee must be paid. Any fee paid will be refunded in the event that a complaint is substantiated.
4. In response to a formal complaint, Council may require the person making the complaint to keep a record of instances for a period of not less than 14 days (or otherwise determined by Council). In considering this action, Council will have regard to any other collaborating evidence. Council will then determine the appropriate response.

Managing other nuisance complaints about dogs

Other activities of dogs can cause annoyance and discomfort to members of the community, most commonly via dogs roaming and not being contained to their property, owners failing to pick up dog faeces, or dogs causing distress to others by

behaving in a manner that may cause injury or pose a safety concern to a person or another animal. In such situations people may make a complaint to Council.

In the first instance people should attempt to resolve the problem directly with the owner.

Council will consider every complaint received relating to an alleged nuisance caused by a dog, however may not act upon anonymous or unsubstantiated complaints. Issues raised by complainants will be investigated in a manner which ensures that all facts are considered to avoid vexatious and/or false complaints being supported. A Council Officer may make enquiries as to the validity of a complaint by speaking to the dog owner, the complainant and surrounding neighbours and/or witnesses.

Where necessary, Council will institute proceedings against a dog owner for an offence relating to a nuisance or when dogs attack, threaten people or animals, or compromise community safety and health.

Enforcement actions Council may take include:-

- issuing a warning, an abatement or infringement notice;
- impounding roaming dogs; and/or
- prosecuting when an offence or the impact of an offence is significant.

Managing Dangerous Dogs

A small portion of dogs may pose a threat to the community through aggressive behaviour. Dog behaviour that is threatening or results in an attack on people or animals causing injury, damage, distress or death is not acceptable and will be managed.

It is important that where dogs are perceived (through their behaviour) as dangerous, that the Council or Police are informed to enable a thorough investigation to take place and any necessary action to be taken to ensure public safety.

Council may declare a dog as dangerous if the dog has caused serious injury to a person or another animal, or there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal.

When managing a potential or declared dangerous dog/s, Council may take one or more of the following actions:

- issue a warning or an infringement notice;
- initiate prosecution action where there is evidence of a contravention of the Act;
- declare an offending dog to be dangerous;

- seize and detain a dog suspected or known to have attacked a person or animal to ensure safety and to enable an investigation to occur;
- enforce compliance with requirements of the Act relating to a dangerous dog; and/or
- euthanize the offending dog.

5.4 Municipal Pound

Council will operate a municipal pound in accordance with the requirements of the *Dog Control Act 2000* and the *Local Government Act 1993*.

Dog owners will be encouraged to contact Council in the event of losing their dog to expedite the reuniting of impounded dogs with owners.

Where a dog is impounded and not claimed, Council will make reasonable efforts to secure an alternative home for the dog through a rescue organisation.

If a dog has been impounded by Council and is identifiable, a Council Officer will make contact with the owner as soon as practicable.

A dog owner will be required to pay any fees and charges relating to the impoundment and daily maintenance of a dog. Any veterinarian fees incurred during impoundment are the responsibility of the owner.

5.5 After-Hours Service

Council will operate a limited after-hours service for emergency situations, e.g. dog attacks.

After-hours attendance by a Council Officer or contractor will be at the officer's discretion considering the risk and circumstance.

Council will not attend after-hours for barking complaints. Residents experiencing barking nuisance should contact Council the next business day.

Dog(s) at large will only be collected if they are appropriately restrained. Collected dogs will be taken to the municipal pound. If a collected dog is identifiable, a Council Officer will make contact with the owner on the next business day.

5.5 Sick or Injured Animals

Council does not manage sick or injured dogs. Enquiries regarding sick or injured dogs should be directed to the RSPCA in the first instance. Alternatively the animal should be taken to a veterinarian.

5.6 Registration and Fees

Dog registration and other fees are set for each financial year as part of Council's budget.

The fees will be advertised and standard registration renewal notices will be provided to all those who have registered a dog previously.

Dog owners are encouraged to register their dogs early in the financial year: a discount in registration fees is applicable if paid prior to the 31 July each year.

Registration fees and concession discounts will be set by Council considering the following:-

- a discount will be provided for de-sexed dogs;
- Pensioners will receive a discount on one dog: other dogs will be charged at the applicable rate;
- owners who keep guide dogs, assistance dogs or hearing dogs are not charged;
- owners of dogs kept for breeding purposes which are registered with Dogs Tasmania [Tasmanian Canine Association (TCA)] will be levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to an entire animal;
- greyhounds registered with the Office of Racing Integrity will be charged a discounted rate; and
- dogs considered 'working dogs' on farms or elsewhere will be charged at a discounted rate where the dog's status is demonstrated to Council.

Owners seeking concessional (discounted) registration may be required to produce written evidence of eligibility as prescribed in the Act, e.g. breeders must produce a current Stud Prefix issued by the TCA.

Registration and subsequent renewals for declared dangerous dogs are subject to satisfactory review of enclosure and adherence to requirements of the declaration notice.

Where a dog is registered with less than three months remaining in the financial year, then a pro-rata rate will be applied.

Fees also apply for kennel licences, impounding of dogs, and daily maintenance should a dog be impounded for consecutive days.

Lifetime Registration

From 1 July 2023, owners may elect to pay one-off registration fee for the life of a dog. Lifetime registration is a flat fee and is not subject to other discounts. To be eligible, the microchip number of the dog must be provided to Council.

Lifetime registration is not available for dogs declared dangerous dogs or restricted dog breeds.

Council will provide an initial issue of a lifetime dog tag upon registration. A fee will apply for the provision of any replacement tag.

5.7 Monitoring and Evaluation

An annual report on dog management will be prepared and presented to Council.

The report will include the following information:

- number of dogs registered;
- number of dogs impounded;
- number of Infringement Notices issued;
- number of formal complaints received;
- financial evaluation of the provision of animal control services.
- number of kennel licences issued; and
- a summary of dogs declared to be dangerous.

6. Declared Areas

Under the Act, Council may declare and regulate areas within its municipal boundary to be:

1. a prohibited area;
2. a restricted area; or
3. a dog exercise/training area – unrestricted.

Council may add or remove declared areas of the municipality pursuant to section 24 of the Act.

Council recognises the need to designate areas for owners to enjoy a range of recreational activities with their dogs and acknowledges that a well exercised dog is less likely to create a nuisance.

A combination of off-lead (unrestricted) and on-lead (restricted) areas have been provided throughout the municipal area. Areas may also be declared as prohibited to dogs due to their location or environmental significance. Maps of the declared areas are included in Appendix 1.

Dog exercise/training areas – unrestricted (off-lead):

Dogs, other than a dangerous dog, restricted breed dog or greyhound, may be exercised off-lead, providing they remain under effective control. The following areas have been declared as exercise/training areas pursuant to sections 20 & 21 of the Act:

1. Alveston Drive, Deloraine (part of Deloraine Community Complex site). Also accessed from Rickman Street, Deloraine (Location 1 on Map 1, Appendix A).
2. Pitcher Parade, Prospect Vale (to the east of Wetlands area) (Location 2 on Map 2, Appendix A).
3. River Reserve, between Foote Street and Browne Street, Hadspen (Location 3 on Map 3, Appendix A).
4. Westbury Town Common, off Mary Street, Westbury (Location 4 on Map 4, Appendix A).
5. Lomond Views Private Open Space, off Chris Street, Prospect Vale - Proposed fenced dog exercise/training area (Location 5 on Map 5, Appendix B).

Restricted areas:

The following areas have been declared as restricted areas pursuant to section 23 of the Act where dogs are not permitted at all times:

The playing surface of the sportsgrounds at -

1. Prospect Vale Park, Harley Parade, Prospect Vale (Map 6, Appendix C).
2. Westbury Recreation Ground, Franklin Street, Westbury (Location 7 on Map 7, Appendix C).
3. Deloraine Recreation Ground, Racecourse Drive, Deloraine (Location 8 on Map 8, Appendix C).
4. Bracknell Recreation Ground, Louisa Street, Bracknell (Location 9 on Map 9, Appendix C).

The following areas have been declared as restricted areas pursuant to section 23 of the Act where dogs are permitted provided they remain on a lead at all times:

- Deloraine riverbank, publicly accessible area both eastern and western sides of the Meander River, adjacent to West Parade (western side) and East Parade (eastern side), including Train Park and Rotary Park (Location 10 on Map 10, Appendix D).

7. Legislation

Dog Control Act 2000

Disability Discrimination Act 1992 (Cwth)

8. Responsibility

Responsibility for the operation of the policy rests with the Director Development & Regulatory Services.

POLICY MANUAL

Policy Number: 45

Information Management

Purpose: To outline the objectives, responsibilities and principles for managing corporate information in accordance with agreed standards and as required by law.

Department: Corporate Services

Author: Jonathan Harmey, Director

Council Meeting Date: 9 August 2022

Minute Number: 160/2022

Next Review Date: *August 2026 (as set, or every four years or as required)*

POLICY

1. Definitions

Corporate Information – is information that is required for business use by Council and/or information which affects the business of Council.

Examples include:

- agendas and minutes
- information prepared on behalf of Council
- formal communication and media releases
- complaint correspondence
- contracts and agreements
- final versions of reports
- policies and guidelines
- personnel documentation
- any material that reflects the substantive business of Council

Examples do not include:

- advertising material
- junk email
- rough notes and working papers

2. Objective

To be proactive in the management of corporate information and to ensure that the collection, storage, usage, disposal and disclosure of information will comply with Council's legislative, statutory obligations, reporting obligations and meet the needs of stakeholders.

3. Scope

This policy applies to all employees or consultants whom:

- Create Corporate Information
- Have access to Corporate Information
- Have any responsibilities for Corporate Information for example, storage, or maintenance responsibilities
- Have management responsibilities for officers who carry out any of these tasks
- Manage or have input into Information Technology Infrastructure design or software selection

4. Policy

The collection, storage, usage and disclosure of information will comply with Council's statutory obligations and reporting obligations.

It is the responsibility of all officers employed at Council to identify any information that forms part of the "corporate memory" and to manage that information with Council's electronic systems and/or physical storage areas.

After Corporate Information is registered in the electronic records management system, only the registered version of the document will be used and referred to as the primary source document.

Information management procedures and systems used will ensure that information resources are kept in an accessible, authentic, accurate, complete, meaningful and secure manner.

Responsibilities

Council will:

- provide the support and basis in which the Information Management Policy can be implemented including the provision of a contemporary and well-maintained electronic records management software;
- provide adequate budgetary provision for the maintenance of this policy;
- ensure any confidential records received in performing their role are treated in a confidential manner and are secure from public view (ie files are not left on building sites and the public cannot inadvertently view a file which may contain personal information); and
- ensure that minutes of Council decisions are complete and accurate.

The General Manager will:

- recognise, actively encourage and adopt Information Management as a key function of the organisation; and
- ensure all information is managed in accordance with the Australian Standard AS ISO 15489, legislation and Council policy.

Managers and Supervisors will:

- maintain overall responsibility for the effective management of Council's Corporate Information.

Employees will:

- ensure they are familiar with council's Information Management Policy, principles and procedures;
- adhere to the procedures regarding information management including capturing documents in a timely manner;
- ensure any confidential records taken from the records management software are treated in a confidential manner and are secure from public view (ie files are not left on building sites and the public cannot inadvertently view a file which may contain personal information); and
- not make improper use of any information they acquire as an employee. Improper use includes gaining directly or indirectly, an

advantage or to avoid, directly or indirectly, a disadvantage for themselves, a member of their family or close associate or to cause any loss or damage to council or any other person. Employees using computers are issued with user IDs and asked to generate passwords. They recognise it is essential that these remain confidential, as employees are responsible for the work performed and communications made under the personal identification code.

Principles

Council's organisational values apply to all activities. In particular, the following principles will apply to the disclosure of information:

- Public access to Council's Corporate Information is based on the principles of the *Right to Information Act 2009* and the *Personal Information Protection Act 2004*;
- Corporate Information that relates to the public business and is not restricted by the *Local Government Act 1993*, the *Right to Information Act 2009*, the *Personal Information Protection Act 2004* or the *Commonwealth Privacy Act 1988*, is accessible to the public;
- Access to corporate information by elected members is in accordance with the above disclosure principles and established Council policies; and
- Corporate Information will be registered in accordance with this policy and guidance will be provided to employees to ensure effective administration.

References

AS ISO 15489 Records Management

5. Legislation & Associated Council Policies

Archives Act 1983

Commonwealth Privacy Act 1988

Crimes Act 1914

Environmental Management Pollution Control Act 1994

Evidence Act 2001

Land use Planning and Approvals Act 1993

Limitation Act 1974

Local Government Act 1993



Personal Information Protection Act 2004
Right to Information Act 2009
Council Policy No 67 – Personal Information Protection

6. Responsibility

Responsibility for the operation of this policy rests with the Director Corporate Services.

POLICY MANUAL

Policy Number: 49

Media Communications

Purpose:

To provide a clear direction to assist the Mayor, Councillors and Officers in dealing effectively with the media.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

14 September 2021

Minute Number:

165/2016

Next Review Date:

August 2024 (every 4 years or as required)

POLICY

1. Definitions

Media:

Includes television, print, radio, online and social media, as well as Council-branded or sub-brand social media, mastheads, magazines and media releases.

Social Media:

Includes technology and internet based social networking sites, wikis, blogs, video and audio sharing sites.

2. Objective

To provide the Mayor, Councillors and Council Officers with a framework for dealing with media and social media communications..

3. Scope

This Policy applies to the Mayor, Councillors, Council Officers and committee members who provide official responses or have interactions with mainstream and social media. This policy also applies to:

1. Official use of Meander Valley Council's social media accounts.
2. Personal social media where the individual is identifiable as a Meander Valley Councillor or Council employee.

This policy acknowledges the roles and responsibilities of the Mayor, Councillors and the General Manager as outlined in the *Local Government Act 1993*, (the Act).

4. Policy

Councillors and employees are to:

1. Responsibly use media and social media communications to share news and information through publication in traditional and new media channels inclusive of, but not limited to, third-party media, social media and owned media.
2. Not use media or social media in a way that would bring Council into disrepute, imply Council endorsement of personal views, businesses or products, engage in online arguments or debates, or disclose private or confidential information.

5. Nominated Spokespersons

- The Mayor is the primary spokesperson on all matters for Council in accordance with Section 27 of the Act.
- The Mayor may delegate the role of spokesperson to the Deputy Mayor, a Councillor, or the General Manager.
- In circumstances where the Mayor is not available then the Deputy Mayor (or General Manager if the Deputy Mayor is also not available) may nominate a spokesperson on behalf of the Mayor.
- The General Manager is responsible for management of any media relating to the day-to-day operations of Council. Where required, the Mayor and General Manager may consult to determine the most appropriate spokesperson for a particular operational matter. For clarity, the Mayor will retain the discretion to be the spokesperson.
- In consultation with the Mayor, the General Manager may nominate a Council Officer as a spokesperson where professional or technical expertise is needed.

6. A spokesperson must represent the views of Council

Regardless of personal views, the Mayor, or any nominated spokesperson for Council, must accurately and fairly represent the views and decisions of the Council body.

A spokesperson must refrain from expressing or implying personal, alternative or contrary views to that of the formal position of the Council body.

If the final view of the Council conflicts with the private view of the spokesperson, then the spokesperson must refrain from expressing a private view that is contrary to the formal position of the Council.

It is recognised that the Mayor or spokesperson may need to use their discretion in dealing with matters that may have not been fully resolved by Council.

Statements issued on behalf of Council must:

- Be consistent with Meander Valley Council's current policy and position;
- Maintain the reputation of the municipality, its Council, Councillors and staff;
- Be respectful of the Mayor, Councillors, the General Manager and staff, and all members of the public;
- Not commit Council or its resources to a course of action without prior Council discussion and/or resolution;
- Not be in breach of any laws (such as privacy, defamation, racial vilification, or equal opportunity), or the relevant Code of Conduct; and
- Avoid any admission of legal liability.

7. Role of Councillors

Councillors should refer media inquiries seeking information or comment on Council matters to the Mayor, General Manager or Senior Communications Officer who is the central point of liaison for media.

A Councillor has the right to make personal statements that reflect their own individual views provided such views are clearly identified as personal views and do not purport to represent the views of the Council and is considerate of Councillor responsibilities under the Code of Conduct.

This policy does not limit or attempt to restrict relationships between Councillors and the media. Councillors have a role to facilitate communication between the community and Council (section 28 of the Act). Councillors must however represent accurately the policies and decisions of the Council and respect the boundary in respect of operational matters.

If a Councillor chooses to provide comment to the media, statements must clearly be identified as that Councillor's personal opinion, and not the position of Council.

8. Role of Council Officers

Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments. Unless specifically delegated or approved to do so, Council officers should not engage with the media, or make public comment on Council business beyond their role.

Any request to comment on any Council matter by the media or public relations firms, should be referred to the Council's Senior Communications Officer.

9. Role of and Referral to Communications Staff

Council's Senior Communications Officer is the:

- Primary contact and point of coordination for media communications.
- Point of referral for any media inquiries or engagement requests. Any person who is contacted by the media should not provide any comment and refer the enquiry to the Senior Communications Officer.
- Under guidance of the Mayor and the General Manager, Council's Senior Communications Officer will share news and information via publication in a combination of traditional and new media channels inclusive but not limited to third-party media, social media and owned media.

10. Information Security and Accuracy

This policy recognises that information:

- Which has been made public through official channels, including committee papers and briefings, is open to media scrutiny and commentary.
- May be subject to disclosure controls and penalties under the Act, for example, matters dealt with in a closed meeting of Council, or subject to confidentiality undertakings, commercial and procurement practices, or other forms of control.

Where there is any doubt about the release of information that is not already in the public domain or is otherwise of a sensitive nature, permission to release or publish the information or provide comment is to be obtained from the Mayor or General Manager.



A person should not respond to a question that falls outside their area of expertise or knowledge. Advice from the appropriate area within Council to develop a response should be sought via the Senior Communications Officer.

It is recognised that sometimes, it might be appropriate to share information based on personal and professional experience (e.g. in seminars or training programs). In doing so a person should make sure that if they share their experiences, they do not breach the confidentiality of Council information or the privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use, including social media).

11. Legislation

Local Government Act 1993

Meander Valley Council – Councillor Code of Conduct

12. Responsibility

The General Manager is responsible for the application of this policy.

POLICY MANUAL

Policy Number: 56

Sport & Recreation Venues Pricing

Purpose: To provide a consistent philosophy to pricing the use of sport and recreation grounds and facilities

Department: Infrastructure Services

Author: Patrick Bessell, Community Facilities Officer

Council Meeting Date: 14 June 2022

Minute Number: 119/2022

Next Review Date: *June 2026 (as set, or every four years or as required)*

POLICY

1. **Definitions**

- 1.1. ***Sport & Recreation Venues:*** includes sport and recreation facilities and grounds which are used for activities, such as: Australian football, badminton, basketball, cricket, dance, darts, drama, films, martial sport, netball, soccer, squash, table tennis, tennis, touch football.
- 1.2. ***Recreation Grounds:*** includes parklands, sports fields, reserves, council land provided by Council for the purpose of recreation.
- 1.3. ***Lease:*** a contract under which an agreed fee is paid by a tenant (or lessee) granted exclusive use of ground and/or facility for an agreed period.
- 1.4. ***Licence:*** an agreement for permission to enter and use grounds and/or facilities for an agreed purpose for a stated period in exchange for an agreed fee. The licensee does not have exclusive use of the reserve or facility. Council is able to allocate other user groups or allow the general public to use the reserves and/or facilities at other times.
- 1.5. ***Regular Hire:*** a group, individual or organisation that hires a recreation ground or facility on an ongoing basis for a specified minimum number of bookings.
- 1.6. ***Casual Hire:*** a group, individual or organisation that hires a recreation ground or facility for casual one-off or specific occasions.
- 1.7. ***Community Organisation:*** a not for profit group (e.g. Club / Association) established for the benefit of the community.
- 1.8. ***Commercial Entity:*** an organisation or individual conducting activities for the purposes of deriving a financial return to the proprietors or shareholders.
- 1.9. ***Special Committee of Council:*** comprises a Chairperson, Secretary and Treasurer and community / council members who are responsible, in

conjunction with Council, for the upkeep and maintenance of the facility / ground for which it has been appointed.

- 1.10. **Junior Participants:** sport and recreation participants aged up to 18 years.
- 1.11. **Female Participants:** sport and recreation female participants aged 18 years and older.
- 1.12. **Inclusion Participants:** sport and recreation by participants with a disability aged 18 years and older and senior aged participants (65 years +).

2. Purpose & Objectives

This policy intends that users of recreation grounds and facilities have transparent information regarding how much they are required to pay and what they are paying for. Council is committed to the following objectives:

- 2.1 To establish principles for the determination of fees and charges based on support levels for leased, licensed, regular and casual hire of council owned or managed recreation grounds and recreation facilities.
- 2.2 To ensure the accountability to the community through an equitable and transparent pricing structure.
- 2.3 To provide an efficient and joint management tool in the allocation, maintenance and operation of Council's recreation grounds and recreation facilities.
- 2.4 To promote the level of responsibility of user groups so that recreation grounds and recreation facilities receive optimum use and ratepayers do not bear the whole cost.
- 2.5 To provide the incentive for more diverse and joint use of fewer grounds and facilities so that Council's resources are effectively used.
- 2.6 To categorise recreation grounds and recreation facilities for casual/non-regular users and define them in terms of the benefits received by users and the rest of the community (refer to "Sports Grounds/Facilities for Casual Users Classifications" within the Recreation Pricing Policy Guidelines).

This policy also provides the basis and principles from which the more detailed Meander Valley Council "**Sport & Recreation Venues Pricing Policy Guidelines**" have been developed. The specific detail about how fees for users will be determined and implemented is contained within the Guidelines.

3. Scope

This Policy applies to all users, hirers and occupiers of Council's sport and recreation grounds and facilities.

The policy does not include Council's aquatic facilities.

4. Policy

Principles

Council will be guided by the following principles when determining hire charges and rents:

- 4.1 Charges are for a specific use on a specific date.
- 4.2 User groups should contribute towards the cost of grounds / facilities provided by Council so that ratepayers do not bear the full cost.
- 4.3 Hire charges for grounds use by regular seasonal users will be based on a per team charge that is initially set for a period of four years to coincide with policy review and which is then adjusted for CPI or as determined by Council and approved annually by Council.
- 4.4 Hire charges for grounds use for casual users will be initially set for a period of four years to coincide with policy review and which is then adjusted for CPI or as determined by Council and approved annually by Council.
- 4.5 Hire charges / rents for facilities will be based on a fixed percentage rate of return (11%) for regular users for all facilities and taking account of the average of the previous 5 years operating, maintenance and depreciation costs. The charges will thus reflect the quality of the facilities, services provided, the nature and pattern of use and the ability of user groups to pay and the terms of any lease agreements with Council. The charge/rent is initially set for a period of four years to coincide with policy review and is then annually adjusted for CPI or as determined by Council and approved annually by Council.
- 4.6 User groups are encouraged and rewarded for sharing facilities, encouraging new more diverse user groups and new uses, introducing new recreation and sports and involvement in the management, operation, maintenance and clean up responsibilities.
- 4.7 Responsibilities must be clearly developed in conjunction with user groups and communicated at appropriate times (*e.g. at AGM to new office bearers*).

- 4.8 If sport and recreation facilities are already provided to the public by the private sector at a reasonable and competitive price with professional, semi-professional or commercial interests in place, then Council's hire charges at relevant locations shall compete on a commercial market basis and recover the highest level of operation and maintenance costs in a similar manner to that calculated by the competing service.
- 4.9 Leased facilities will be administered according to the terms and conditions set out in the leases while supporting the community based not for profit organisations as per the pricing policy.

Facility Categories

All outdoor sport and recreation grounds will be categorised according to their level of amenity for the purposes of managing usage by hirers. The charge will reflect the category of the facility/ground. The associated facilities at the outdoor recreation grounds are subject to any lease arrangements in place.

Concessions

Based on the value Council places on support to junior participation, non-traditional users and innovative scheduling the following concessions will be provided on the hire charges for ground usage only:

- 4.10 Junior only sports and recreations supported by parental/volunteer administration – 50%.
- 4.11 Female and Inclusion: the provision of non-traditional or new recreational opportunities – 50%.
- 4.12 Off peak use (to be defined by facility manager or management committee, but normally between 9am and 3pm weekdays) which encourages increased use of facilities by enabling better programming of activities – 25%.
- 4.13 The participation concessions can be cumulative up to a maximum of 75%.

Based on the value Council places on self-reliance the following concession will be provided by Council officers on the hire/rent charges for facility usage only:

- 4.14 The value of any maintenance by the user group expressed as a percentage within the total Operations & Maintenance costs – up to 25%.

5. Legislation



Local Government Act 1993

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 60

Asset Management

Purpose: To provide guidelines for consistent asset management processes

Department: Infrastructure Services

Author: Rob Little, Asset Management Coordinator

Council Meeting Date: 11 February 2020

Minute Number: 32/2020

Next Review Date: *February 2024*

POLICY

1. Definitions

Infrastructure Assets

Physical assets that contribute to meeting the needs of organisations or the need for access to major economic and social facilities and services. Typically fixed in place, large, interconnected networks or portfolios of composite assets with long lives.

Maintenance

All actions necessary for retaining an asset as near as practicable to its original service condition, excluding rehabilitation or renewal to ensure the asset reaches its expected useful life.

Renewal

Is work to restore or replace an existing asset to its original service potential and capacity.

Upgraded asset

Improvements undertaken to an existing asset, or replacement of an existing asset, to provide a higher level of service.

New asset

New assets are created to meet additional service level requirements.

“Whole of life”

Includes all costs associated with the ownership of an asset that allows it to continue to function and meet service needs over its life including planning/ creation, operations, maintenance, depreciation, renewal and disposal. If asset planning is limited to a single phase such as creation, decisions may not take into account long-term issues.

Service Levels

Are outcomes that Council delivers to the community which are not limited to safety, customer satisfaction, quality, capacity, reliability, availability and costs which meet the organisations social, political, economic and environmental objectives

2. Objective

The objective of this policy is to:

- Direct Council in achieving its long term strategic planning and long term financial planning objectives and meet legislative and regulatory requirements for asset management
- Ensure assets that are well utilised and of benefit to the community are maintained in a condition and replaced as required, such that they are fit and safe for the purpose for which they were intended
- Enable Council to meet its service delivery objectives efficiently and effectively through integration of asset management with organisational planning to meet the service needs of the community within levels of affordability
- Ensure provisions made for the long-term replacement of major assets are sustainable and based on informed and responsible decision making.
- Creating an environment where all employees take an integral part in overall management of infrastructure assets by creating and sustaining asset management awareness throughout the organisation

3. Scope

This policy has application to all Council activities.

4. Policy

Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management principles across all areas of Council. This includes all “whole of life” considerations in accordance with Council’s priorities for service delivery.



Council owns and uses approximately \$300,000,000 of infrastructure assets to support its core business of service delivery to the community.

Asset management practices impact directly on the core business of Council and appropriate asset management is required to achieve strategic service delivery objectives.

A strategic whole of organisation approach to asset management will ensure that Council delivers an appropriate level of service that the community is willing to pay for.

This will provide positive impact on:

- Members of the public and staff
- Council's financial position
- The ability of Council to deliver the expected level of service and infrastructure
- The political environment in which Council operates, and
- The legislative responsibilities of Council.

Principles

As custodians of community assets and as part of Council's consideration of infrastructure asset management, Council will:

1. Provide quality infrastructure assets in accordance with the Strategic Plan and Long Term Financial Plan that support services that are appropriate, accessible, responsive and sustainable to the community, visitors and environment
2. Maintain the Strategic Asset Management Plan and Asset Management Plans for Roads, Bridges, Buildings, Stormwater and Land Improvement asset classes. The plans will be informed by community consultation and financial planning and reporting
3. Integrate asset management principles within existing planning and operational processes and manage assets in a systematic and sustainable manner
4. Ensure asset renewals required to meet agreed service levels and identified in Asset Management Plans and Long Term Financial Plans will form the basis of annual budget estimates. Risk consequences of any variations from defined asset renewals and budget resources are to be detailed in budget documentation
5. Ensure timely maintenance and renewal of assets so that "life cycle costs" are optimised for existing and new assets
6. Consider and report future "whole of life" costs in all decisions relating to gifted assets, upgrade of existing services or assets and new services or assets utilising Council's New and Gifted Assets Policy
7. Ensure systematic and cyclic reviews will be applied to major asset classes and that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards

8. Continuously improve asset management practices and Council's Asset Management Program that are transparent and responsible which align with demonstrated best practice

Roles

Councillors determine outcomes of Council to meet strategic objectives based on our vision and values to meet our community's needs. They are responsible for the allocation of resources for delivery of the Strategic Plan, setting Council priorities and for the adoption of the Asset Management Policy.

The **General Manager** is responsible for ensuring the delivery of the organisation's Asset Management Strategy and Plans and for maintaining systems to ensure that Council's resources are appropriately utilised to address the organisation's strategic objectives.

The **Director Infrastructure Services** is responsible for the delivery of asset management by the implementation of the Asset Management Policy, Strategic Asset Management Plan and Asset Management Plans, reporting on the status and effectiveness of asset management within Council and the development and implementation of the asset management improvement processes.

The **Director Works** is responsible for the delivery of agreed service levels to the community from routine operation of Council's assets.

5. Legislation & other council policies

Council Policy No. 78 New and Gifted Assets
Section 70C of the Local Government Act 1993 and Ministerial Orders

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 62

Adhesion Orders

Purpose:

To clarify Council's position with respect to requests for adhesion orders.

Department:

Development Services

Author:

Krista Palfreyman, Acting Director

Council Meeting Date:

10 November 2020

Minute Number:

220/2020

Next Review Date:

August 2024

POLICY

1. Definitions

"Adhesion Order" is an order of the Council that the parcels comprised in the block subject to the order are not to be dealt with so that they come into the possession of different persons for an estate of freehold at law or in equity or for a term at law or in equity of 3 years or more.

2. Objective

To outline the basis on which Council may or may not issue adhesion orders.

3. Scope

This policy is to apply to all requests for adhesion orders.

4. Policy

Approval of application for Adhesion Order

Council may grant an adhesion order where the requirements of section 110 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* (the Act) are met.

This would occur where two or (2) more adjoining lots are involved and held in common ownership, and at least one (1) lot is of a sub-minimal size according to the minimum lot size requirements of the zone under the Meander Valley Interim Planning Scheme 2013. Note, Section 110 (2) of the Act also outlines circumstances where approval could not be given.

Removal of Adhesion Orders

Council will only approve the removal of an adhesion order if such application to Council is accompanied by a development application for subdivision in accordance with the Planning Scheme.

Refusal of application for Adhesion Orders

Where the requirements of Section 110 of the Act cannot be met, the application for an adhesion order will be refused. In these circumstances and where a Part 5 agreement is not appropriate, Council will require the applicant to make an application for sub-division in accordance with *the Land Use Planning and Approvals Act 1993*.

5. Legislation

Local Government (Building & Miscellaneous Provisions) Act 1993.
Land Use Planning & Approvals Act 1993

6. Responsibility

The responsibility for the operation of this policy rests with the Director Development Services.

POLICY MANUAL

Policy Number: 66

Security for Incomplete Works in Subdivisions

Purpose:

The purpose of this Policy is to outline the application of security in relation to incomplete works in subdivisions.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

9 May 2023

Minute Number:

116/2023

Next Review Date:

May 2027 (as set, or every four years or as required)

POLICY

1. Definitions

Security: Bond and cash, or bond and bank guarantee.

Incomplete works: All subdivision works associated with roads, stormwater drainage, footpaths, driveways, public lighting and earthworks, that have commenced but are yet to be completed, or are not constructed to Council's standard.

2. Objective

The objective of this policy is to ensure infrastructure and associated works are completed in subdivisions at an appropriate point in time.

3. Scope

The policy shall apply to all approved subdivision applications.

4. Policy

1. No security will be accepted in lieu of the works being completed unless extenuating circumstances or engineering justifications are accepted by the Director Infrastructure Services.
2. Where security is accepted by Council the developer will be required to lodge security before the final plan is sealed by Council. In addition, the following conditions will apply:

- a) The developer will be allowed six(6) months to complete the works or at an approved point in time as set by the Director Infrastructure Services. If the outstanding works are not completed to the satisfaction of Council's Director Infrastructure Services within the required timeframe, the security may be called in to allow Council to complete the outstanding works, subject to site specific circumstances.
- b) The value of the security will be an amount equivalent to the estimated cost of outstanding works plus 50% to cover costs related to indexation of works, Council management costs and other unforeseen costs.
- c) The estimated cost will be as approved by Council and determined using the tendered rates for the project, the Rawlinsons Construction Cost Guide or another method for costing of civil infrastructure works.
- d) Sealing of the subdivision plan will be subject to the consent of all other relevant authorities.
- e) Payment of an application and processing fee to Council for approval of bonds for incomplete subdivision work.

5. Legislation

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1982

Urban Drainage Act 2013

6. Responsibility

The Director Infrastructure Services is responsible for ensuring compliance with the policy.

POLICY MANUAL

Policy Number: 67

Personal Information Protection

Purpose:

This Policy sets out Council's approach to managing, handling and protecting the personal information of customers.

Department:

Governance

Author:

Jacqui Parker, Manager Governance & Performance

Council Meeting Date:

12 July 2022

Minute Number:

162/2022

Next Review Date:

June 2025 (as set, or every four years or as required)

POLICY

1. Definitions

Personal Information: Has the meaning given in Section 3 of the *Personal Information Protection 2004*, as amended from time to time.

Sensitive Information: Has the meaning given in Section 3 of the *Personal Information Protection 2004*, as amended from time to time.

2. Objective

The objective of this policy is to set out Council's position on management of any personal information collected by Council, and to briefly explain how Council incorporates the Schedule 1 principles of the *Personal Information Protection Act 2004* (the Act)

3. Scope

This Policy applies to all employees, elected members and contractors of the Council.

This Policy covers personal information that is collected, retained, stored and used by Council where it is necessary for one or more of Council's functions or activities.

This Policy relates to any information collected, retained, stored or used by Council which falls under the definition of "personal information", including "sensitive information".

4. Policy

Intent

Council will only collect, use and disclose of personal information as required to perform its functions and activities, and as permitted or required by law. All Council staff, elected members and contractors handling such information collected by Council will be trained in their responsibilities in this regard.

Collection of Information

Council carries out a number of functions and activities within the community. These are established either by Council policy and decision-making, principles of good governance, or determined by the *Local Government Act 1993* and other legislation. Council is also able to enact its own by-laws from time to time.

Personal information is only collected by Council where it is necessary and appropriate for the execution of Council's legitimate functions.

The type of personal information generally collected by the Council includes names, addresses and telephone numbers of its customers.

Where necessary, additional personal information may also be requested or required to, support Council's commitment to providing an effective service to its customer and stakeholders, or to deliver a specific type of service. Examples could include:

- A customer providing extra information to Council about a disability, to assist with an enquiry about accessibility.
- A Council requirement for copies of specific documents (e.g., Health Care Card) to support an application for a concession.
- A request to answer signposted health questions for workplace health and safety reasons.
- A legal requirement for proof of identity or other personal information or documents, where required under legislation or as a matter of good governance.

Council is committed to respecting the privacy of all individuals who provide personal information to Council. It is important that personal information held by Council is accurate, complete and up-to-date to the extent that is practicable.

Council will not collect sensitive information only with the person's express consent, unless the collection of that information is required by law.

Anonymity

If a person is making an enquiry of Council, there is no requirement to identify themselves. However, identification may be a factor determining the level of service or amount of information that can be provided to the customer.

Council will, for example, require identification from customers in circumstances such as the following:

- A specific rather than general enquiry made of Council;
- Updating or changing a customer's personal information or property records;
- A request to use a Council facility or other service; and
- Any dealings related to an application submitted to Council.

Access to and Correction of Information Collected

The Act provides that a person can access personal information about them that is held by the Council. A person who considers the personal information incorrect, incomplete, out-of-date or misleading can request it be amended. Depending upon the nature and volume of work involved with the request, a fee may be charged for this service.

Use and Disclosure of Personal Information

Council:

- will only use personal information for the purposes for which it was collected unless with the consent of the person or if required or authorised by law.
- will not reveal personal information to third parties outside the Council for their independent use unless authorised to do so, or the disclosure is required by a Court or Tribunal or otherwise allowed by law.
- will not sell, trade or make available personal information to others for any commercial or other reason not permitted by law.
- will only disclose "*basic personal information*" (that is, name, address, date of birth and gender) to other public sector bodies in accordance with the *Personal Information Protection Act 2004*, where necessary for the efficient storage and use of information, and where this would not constitute an unreasonable or inappropriate disclosure of information.
- where appropriate, will provide personal information for research, statistical analysis, state or national reporting purposes, awareness programs, public statements or training. Such information will be de-identified prior to its release.
- may disclose personal information taken from written submissions received on a policy matter, or in a matter of public consultation that may result in the release of a public report. Where a submission contributor has specifically requested that Council keeps their personal information confidential, Council will respond by confirming whether that submission can be accepted wholly or partly and if so, what information must be included for it to be considered as part of the policy matter or consultation process. A contributor may elect to withdraw their submission if an agreement cannot be reached on an appropriate level of disclosure.

- may keep a public archival record of the name and the suburb or town of residence for each attendee at a public meeting, including an Ordinary or Special Council Meeting, unless otherwise requested and agreed upon by the General Manager.

Security of Personal Information

The Council uses a number of procedural, physical, and technical safeguards, including access controls, secure methods of communication and back-up and recovery systems to protect information from misuse and loss, unauthorised access, modification and disclosure.

Council officers and elected representatives are only provided with access to the information that is necessary for them to carry out their functions within the Council. Formal training and an appropriate level of supervision and oversight is provided to all employees and elected representatives, including routine reminders about workplace conduct expectations and governance structures that apply to officers and Councillor when handling personal or sensitive information of any kind.

Generally, information is destroyed or permanently de-identified when no longer required. Some information is retained for specified periods or permanently under provisions of the *Archives Act 1983*.

Concerns and complaints

Council is committed to working to resolve any concerns or complaints regarding its collection, handling and management of personal information effectively.

Any person wishing to raise concern or a complaint about the collection, handling or management of their personal information. Council's *Customer Service Charter* is published on the Council website and available for inspection at the Council offices.

Complaints can also be lodged externally with the Tasmanian Ombudsman.

A complaint about a specific Councillor's use or handling of personal information may be captured by the Meander Valley Code of Conduct for Councillors. Further information about the Code, including forms and information about how to lodge a complaint, is available on the Department of Premier & Cabinet website.

5. Legislation

- *Personal Information Protection Act 2004*
- *Right to Information Act 2009*

6. Responsibility

Responsibility for the implementation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 68

Writing Off Debts

Purpose:

To meet the requirements of section 22(2)(ba) of the Local Government Act 1993 by describing the circumstances and procedure for writing off bad debts.

Department:

Corporate Services

Author:

Jonathan Harmey, Director

Council Meeting Date:

9 August 2022

Minute Number:

159/2022

Next Review Date:

August 2026 (as set, or every four years or as required)

POLICY

1. Definitions

Property Debts - are debts charged against a property

Sundry Debts – are debts that are not charged against a property

Bad Debt – a debt that is no longer considered recoverable and the debtor will not be pursued further.

2. Objective

To improve administrative efficiency by enabling the General Manager or their delegated officer to write off bad debts.

3. Scope

This policy applies to the General Manager or their delegated officer.

4. Policy

A bad debt, whether property or sundry, may be written off by the General Manager or their delegated officer where:

- (a) The debt is equal to or less than \$2,000; and

- (b) A reasonable effort has been made to recover the debt; (with the exception of clause 4(c)(iv); and
- (c) The cost of attempting to recover the debt would exceed the debt owed to Council and there is little likelihood of recovering the debt because:
 - i. The debtor cannot be located; or
 - ii. The debtor is not in a financial position to be able to garnishee their income; or
 - iii. The debtor has no assets that may be recovered in lieu of the debt; or
 - iv. Interest has been accrued on a Property Debt through an administrative error by the Tasmanian Government, property conveyancer or Council officer.

A briefing report for the information of Council shall be provided every three months by the General Manager detailing each write off of a bad debt under delegation indicating:

- (a) The value of the debt;
- (b) The type of debt;
- (c) How long it has been outstanding;
- (d) The actions that have been taken to attempt to recover the debt; and
- (e) The reasons for writing off the debt.

Any bad Debts of over \$2,000 will be referred to Council for decision.

5. Legislation & Related Council Policies

Local Government Act 1993

6. Responsibility

Responsibility for the operation of this policy rests with the Director Corporate Services.

POLICY MANUAL

Policy Number: 71

Investment of Surplus Council Funds

Purpose: To provide guidelines for the investment of surplus Council funds.

Department: Corporate Services

Author: Jonathan Harmey, Director

Council Meeting Date: 10 March 2020

Minute Number: 50/2020

Next Review Date: **March 2024**

POLICY

1. Definitions

Surplus Council Funds - funds that are not required to be expended in the course of normal Council operations.

Authorised deposit taking institution – a body corporate in relation to which an authority under subsection 9 (3) of the Banking Act (No. 6 of 1959 as amended) is in force.

Investment arrangement – an arrangement that relates to acquiring, consolidating, dealing with, or disposing of certificates of deposit, bonds or notes issued or proposed to be issued.

2. Objective

The objective of this policy is to ensure that the best possible rate of return is achieved from the investment of surplus Council funds whilst, at the same time, ensuring the security of those funds.

3. Scope

This policy applies to all investments of surplus Council funds.

4. Policy

4.1 The level of Council funds available for investment is to be reviewed at least weekly. During the review process likely cash inflows and outflows for the immediate future will be assessed to establish either the availability of surplus funds or the need to redeem existing investments.

- 4.2 Funds may be deposited with any Commonwealth, State or Authorised Deposit Taking Institution. To control the overall credit quality of the deposits, the following maximum holding limits will apply:-

S&P Long Term Credit Rating *	Maximum % holding
AAA to AA-	100%
A+ to A-	70%
BBB+ to BBB-	50%
Not Rated	50%

** or equivalent*

- 4.3 Where surplus funds are available the following procedures will apply:

Not less than two (2) quotations shall be obtained from authorised deposit-taking institutions whenever an investment arrangement is proposed. The best quote of the day will be successful after allowing for credit rating, timing of investment return, administrative and banking costs.

An 'Investment of Surplus Funds Form' is to be completed which will include the following information:

- Amount of cash to be invested
- The duration of the investment
- Details of products including security (ie S & P rating, State or Commonwealth) and interest rates offered by the institutions approached
- Name of the institution and product selected
- Endorsement of the selection by any two of the following Council officers; the Senior Accountant, the Director Corporate Services and the General Manager.

5. Legislation & Related Council Policies

Sections 64 & 75 of the Local Government Act 1993
Banking Act 1959
Meander Valley Council Financial Management Strategy

6. Responsibility

Responsibility for the operation of this policy rests with the Director Corporate Services.

POLICY MANUAL

Policy Number: 72 **Approval to Occupy Road Reserve including Dining and Vending**

Purpose: To establish a basis for the approval and controlled management of occupation of Council road reserves for street dining, sale of goods and minor building works within townships.

Department: Infrastructure Services
Author: Dino De Paoli, Director

Council Meeting Date: 8 September 2020
Minute Number: 177/2020

Next Review Date: **September 2024**

POLICY

1. Definitions

Occupation Licence: A licence issued by Council to occupy a portion of the road reserve.

2. Objective

To support business development and growth through the controlled occupancy of Council's road reserves and provide a basis for the assessment of licence applications.

3. Scope

This policy applies to all road reserves within the municipality for which Council is responsible.

4. Policy

1. Meander Valley Council will support street dining, sale of goods, operation of mobile food vans and minor, non-permanent building works in areas of the road reserve subject to assessment of associated risks.
2. The assessment of applications for road occupancy will be undertaken in line with legislative requirements, sound risk management processes, and prioritise public safety.

3. Guidelines for occupancy will be developed to support the policy and be made available to the community for information.
4. Licenses will be issued by Council for a 12 month or 24 month period depending on the nature of the occupancy.
5. Council may terminate a licence should a safety incident occur or a licensee fail to comply with occupancy guidelines.
6. Licence holders must hold public liability and products liability insurance cover in accordance with the guidelines for the duration of the licence period.

5. Legislation

Local Government (Highways) Act 1982

Traffic Act 1925

Vehicle & Traffic Act 1999

6. Responsibility

Responsibility for the operation of the policy rests with Director Infrastructure Services.

POLICY MANUAL

Policy Number: 76

Enabling Industrial Land Development

Purpose:

To establish guidelines for the provision of infrastructure by Council, to facilitate industrial development and the method for obtaining contributions from developers and landowners to offset the cost to Council.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

14 September 2021

Minute Number:

166/2021

Next Review Date:

August 2024 (every four years or as required)

POLICY

1. Definitions

Developer Contributions: Developer contributions, as distinct from head works charges, are contributions made by developers to directly compensate Council for the cost of providing infrastructure to a particular development.

Head Works Charges: These are charges Council may elect to impose on developers or landowners where there is a nexus between the development and the need for Council to upgrade infrastructure into the future.

Cost of Capital: The borrowing rate as provided by TASCORP, applied to the total cost of the construction of infrastructure over a period not exceeding 15 years which may include periodic interest rate reviews as determined appropriate to the financing arrangements.

2. Objective

The objective of this policy is to provide:

- The parameters for Council to apply when considering investing in new infrastructure required to augment an industrial development.

- Council with the flexibility to consider the merits of each proposal and is therefore not intended to be definitively prescriptive.
- Appropriate risk management mechanisms and controls required to manage Council's financial exposure and risk to such developments.

3. Scope

The Policy is applicable only to industrial development and only applies to developer contributions as defined above.

4. Policy

Where it is in the public interest and it is financially sound to do so, Meander Valley Council may finance the provision of shared infrastructure for the purposes of enabling industrial land development where contributions from more than one land owner are required.

In determining the need for Council to enter into an agreement to facilitate industrial land development Council will consider the supply and demand circumstance within the area concerned and must be satisfied there is demand for industrial land that underwrites the capacity for Council to recoup any investment.

Any recommendation to Council for financing under this policy must be informed by full due diligence in respect of the land tenure, relevant confirmation from utility providers, financial bona-fides of landowners and developers, and appropriate arrangements to secure any due financial contributions to Council.

5. Explanation and Relevant Considerations

In instances where there is more than one landowner/developer involved in an industrial land development, Council may be required to provide shared infrastructure supported by arrangements that achieve an equitable contribution from developers to the cost of any such infrastructure.

In determining whether or not to support the development of industrial land under this policy, Council should consider:

a) Risk

In committing to the provision of shared infrastructure Council is taking on substantial financial risk and needs to apply appropriate due diligence to ensure this financial risk is acceptable to Council and that there is a demonstrated public benefit to the municipality.



The risk is predominantly the length of time it will take for Council to recoup its investment in the development and hence an assessment of immediate and medium term demand for industrial land in the subject area is essential.

b) Basis for Investment

As a guide, Council should only consider providing head works infrastructure where there is more than one land owner. Where there is only one land owner and the developer is reluctant to put in the required head works infrastructure, then Council should carefully consider the motives and financial capacity of the developer and the associated financial risk to Council.

c) Total Investment Costs

Council's total cost of investment includes all direct expenses and is also to include a cost item representing the cost of capital required to finance Council's investment.

d) Cap on investment

Council's investment in any required infrastructure is capped at the lesser of the annual borrowing limit approved by State Treasury for the current financial year or 50 percent of the annual general rate in the current year.

e) Recoupment of investment

Council will recoup 100 percent of its investment in the development by way of developer contributions back to Council.

The timing of the contributions back to Council will be determined at the discretion of Council based upon projected revenues from the development and the extent to which Council needs to provide a stimulus to the development.

- The developer contributions can either be recouped 100 percent from the initial developer or spread between the original developer and subsequent developers.
- Notwithstanding the above, a minimum of 50 percent of Council's investment will be recouped from the initial developer(s).
- The estimated time frame to recoup Council's investment will not exceed 15 years.

Having determined the timing of the contributions Council will recoup its investment by the following mechanisms:

- Via a *Part 5 Agreement* under the *Land Use Planning and Approvals Act* (1993) with payment of the specified developer contributions being payable on the sealing of the final plan, and/or
- Via a condition on a planning permit with payment of the per lot developer contribution being payable on the issuing of the *Certificate of Occupancy* signifying commencement of the use.

f) *Calculation of Developer Contribution*

The contribution will be apportioned on a per square metre basis and applied to each lot in the proposed subdivision accordingly.

g) *General Rates Incentive*

To ensure Council does not unwittingly place a financial impost on industrial development, the initial developer will be provided with the following rate subsidy:

- A subsidy will be paid by Council representing the differential between the rates (on a per hectare basis) on the land prior to the development and the subsequent rates per the revaluation as a result of subdivision. This subsidy will be available to the initial developer for a period of three years from the date of the sealing of the plan for the creation of the new lot(s).
- Council, at its sole discretion, may extend the subsidy beyond the three year period at its discretion in circumstances where the economic climate indicates the need for an incentive or rate relief and where a representation is made in writing by a developer and a case for extension is presented.
- This subsidy will only apply where land has been rezoned to industrial use and is subsequently subdivided into multiple lots.

5. Legislation

Land Use Planning and Approvals Act 1993
Local Government Act 1993

6. Responsibility

Responsibility for the operation of the policy rests with the General Manager.

POLICY MANUAL

Policy Number: 77

Rates and Charges

Purpose:

To outline the principles that council intends to apply in exercising its powers, or performing its functions, under Part 9 – Rates and Charges, of the Local Government Act 1993 (Act).

Department:

Corporate Services

Author:

Jonathan Harmey, Director

Council Meeting Date:

8 September 2020

Minute Number:

174/2020

Next Review Date:

No later than **August 2024** or otherwise in accordance with section 86B(4) of the Act

POLICY

1. Definitions

As detailed in the Act, Section 86 - Interpretation of Part 9; and

Rates: - Constitute taxation for the purposes of local government rather than a 'fee for service' are based on the value of rateable land (property) and/or a fixed charge levied on land on an equal or proportional basis to recover the cost of services provided or made available to that land.

2. Objectives

To inform Meander Valley Council ratepayers and the general community of the principles that council intends to apply when setting the annual rates and charges under the Act, Part 9 – Rates and Charges;

To maintain a sustainable rates system that provides revenue stability and supports a balanced budget to avoid placing the burden of current expenditure on future generations; and

To ensure that all Councillors and staff work together and have a consistent understanding of the Council's long term revenue goals

3. Scope

This policy applies to all Councillors and staff involved in making decisions concerning the making of rates and charges.

4. **Policy**

4.1 **Principles**

Council will raise revenue sufficient for the purpose of governance and administration of its municipal area and to provide for appropriate infrastructure and services for the community. Rates are the major source of Council's revenue providing approximately 50% of annual income.

Examples of the infrastructure and services provided are listed below. They are typically those that would not be provided by the private sector:

- local roads, bridges, footpaths and drainage
- street lighting and cleaning
- urban stormwater disposal services
- waste and recycling collection and disposal
- public halls and community centres
- maintenance of parks, playgrounds, sportsgrounds and swimming pools
- youth services
- community development & events
- regulatory and compliance activities for public & environmental health, animal control, statutory planning, building and plumbing control
- emergency services

Rates (including service charges) constitute taxation for the purpose of local government rather than a fee for service. All ratepayers receive benefits from paying rates but those benefits are consumed in different quantities and types over the lives of the ratepayer. As rates are a method of taxation, the total amount of rates paid may not directly relate to the services, infrastructure or facilities used by each ratepayer. The General Rate is a "progressive" tax, applied to the Land, Capital or Assessed Annual (rental) Value of property. While a service charge is fixed it may differ between properties and in various parts of the municipal area depending on the type and level of service provided or made available and the circumstances in a particular area.

When making rating decisions Council will give consideration to the following principles that apply to the imposition of taxes on communities:

- Capacity to pay - the ability of the taxpayer to pay the tax is taken into account. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates
- Benefit - all taxpayers receive some benefit. Council balances capacity to pay with the benefit principle, acknowledging that there are some services that benefit the community as a whole, so everyone should contribute

- Simplicity - relates to how easily the tax is understood, the certainty of application and its ease of collection. Council rates are unavoidable, levied on a regular and consistent basis and collected at specific intervals
- Sustainability - the tax system should grow in line with the needs of changing expenditure, taking into account changes in economic growth and demographic changes. Council will raise sufficient rates to meet current and future spending needs, to provide revenue stability and to support a balanced budget to avoid placing the burden of current expenditure on future generations
- Economic Efficiency - relates to the effect of the tax on the behaviour of the taxpayers. Rates are considered to be generally efficient because they have a limited effect on a decision to buy a property. The efficiency of rates as a tax however can be distorted by an abnormal rise or fall in property values affecting the valuation base. Council will consider varying the General Rate to manage these circumstances if and when they arise

Council's practices and decisions in setting rates and charges are underpinned by:

- the statutory obligations as outlined in the Act;
- the objectives outlined in council's strategic plan;
- the needs and expectations of the community;
- the expected change in prices for goods and services;
- the financial management strategy and long term financial plan; and
- the long term asset management plans

4.2 Valuation method used for rating

Council currently has the choice of three valuation bases:

- Land value – value of the property excluding all visible improvements (eg building structures);
- Capital value – total value of the property including land value;
- Assessed Annual Value (AAV) – gross annual rental value, less GST, council rates and land tax. Legislation stipulates the AAV must not be less than 4% of the capital value.

The Valuation of Land Act 2001 determines rating authorities are to be provided with a market-based Fresh Valuation (general revaluation) every six years. Adjustment factors are applied every two years to property valuations when rating authorities are not subject to a revaluation cycle. The adjustment factors help minimise large fluctuations to valuations that can occur between the revaluation cycles.

Council utilises the AAV basis; currently 23 Tasmanian councils choose this basis of valuation for rating purposes with 6 utilising capital value. Council is satisfied with the AAV adopted method and considers that it is positioned well to address capacity to pay considerations. A shift to either land value or capital value would result in

shifts in the apportionment of rates across the municipal area which in turn would lead to pressure for further manipulation of rates through variation or other type adjustments to compensate for a valuation base change.

4.3 Levying of rates

Rates shall be issued each financial year in accordance with the Act

4.3.1 Minimum amount

Pursuant to Section 90 (4) of the Act, council sets a minimum amount payable in respect of the General Rate. The primary reason for imposing a minimum amount is to ensure that all rateable properties make a base contribution to the cost of administering council's activities and maintaining the services and physical infrastructure that supports each property.

4.3.2 General Rate variation

Pursuant to section 107 of the Act Council will consider the variation of the General Rate between different land use classes of properties within the municipal area to compensate for a significant valuation base change occurring from a Fresh Valuation or biennial adjustment factors. If a council varies a rate, the General Manager must notify the ratepayer in a rates notice of the rate as varied, of the variation factor used and of the date it takes affect. A ratepayer may only object to a variation in a rate on the basis that the use of the ratepayer's land is not the use of land on which the variation is based.

4.3.3 Service rates and charges

Council has waste management service charges to assist to recover the cost of the service from the user through annual charges. The current service charge for Waste Management is based on all properties paying a fixed charge for the cost of providing tips and transfer stations plus an additional variable charge for those properties receiving a kerbside collection. The additional charge for the standard 80 litre mobile garbage bin and one mobile recycle bin is increased where ratepayers opt for larger 140 or 240 litre size mobile garbage bin.

4.4 Exemptions and remissions

4.4.1 Commonwealth and Crown land

Pursuant to section 87(1) of the Act Land that is owned and occupied exclusively by the Commonwealth, certain Crown Land as specified and land owned by the Hydro Electric Corporation is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land.

4.4.2 Charitable organisations and Aboriginal land

Pursuant to section 87(1)(d) & (da) of the Act Land that is owned and occupied exclusively for charitable purposes and land that is Aboriginal land, within the meaning of the Aboriginal Lands Act 1995 is exempt from the General Rate. Service Rates and Charges will apply for services used by or made available to the land however properties that satisfy the requirements for exemption from rates under section 87(1)(d) and 87(1)(da) will be provided with an exemption from the Fire Service Contribution in accordance with section 81C(1) of the *Fire Services Act 1979*.

4.4.3 Pensioner and Health Care Card Holder remissions

Council will not provide a remission above the annual grant or subsidy on rates and charges provided by the State Government. To be entitled to apply, the *Local Government (Rates and Charges Remissions) Act 1991* requires that a ratepayer must be an eligible person and must occupy the property as his or her principal dwelling on or prior to 1 July of the rating year. Under certain circumstances eligible pensioners may be able to claim for the preceding financial year.

4.4.4 Remissions - section 129(4)

Pursuant to Section 129(4) of the local Government Act 1993 council, by absolute majority may grant a remission of any rates payable by a ratepayer or a class of ratepayers.

Council provides a delegation to the General Manager under section 22 of the Act, for the Remission of Rates (and interest) by request of a ratepayer under section 129 of the Act, limited to \$2,000.

4.5 Supplementary rates

Pursuant to section 92 of the Act, if during the year a supplementary valuation is made of any land, Council may adjust the amount payable in respect of any rate or charge for that land for that financial year and will issue a supplementary rates notice resulting from the adjustment. Adjustments will not be made for Supplementary valuations received close to year end where it is not practicable to do so except for the purposes of a refund due or rectifying an error.

4.6 Payment of rates

Pursuant to section 124 of the Act Council permits all ratepayers to pay all rates by four approximately equal instalments instead of by one payment. Council has opted

not to provide a discount for encouraging early payment of rates in full. Instalment due dates are the last business day in August, October, January and March.

An extensive range of payment methods is provided, for example through Internet, phone, mail, direct debit and in person.

4.7 Overdue rates

Pursuant to section 128 of the Act, if rates, or any one rates instalment, are not paid on or before they fall due, Council may impose a penalty not exceeding 10% of the amount owing, and/or charge a daily interest rate determined by the Council in accordance with the formula specified in the Act. Council has opted not to apply a fixed % penalty but to only apply a daily interest charge which is reviewed each year.

Council supports Policy 92, Financial Hardship Assistance, to provide assistance and relief to community members who are suffering financial hardship.

If a ratepayer does not pay the rates on their property, Council may commence legal action against the ratepayer to recover the outstanding amount. If Council takes such legal action the ratepayer will also be liable for Council's legal costs associated with any Court action.

Pursuant to section 137 of the Act, if rates are not paid for a period exceeding three years, Council may sell a property or part of a property to recover the unpaid rates. Council can sell it by public auction or by direct sale. Decisions to sell a property for recovery of rates will be made on a case by case basis.

If the owner of a property cannot be found, Council may apply to the Minister to have that property transferred to the Council.

4.8 Objection rights

Pursuant to section 123 of the Act, A person may object to a rates notice on the grounds that:

- a) the land specified in the rates notice is exempt from the payment of those rates; or
- b) the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c) the basis on which those rates are calculated does not apply; or
- d) he or she is not liable for the payment of the rates specified in the rates notice; or

- e) he or she is not liable to pay those rates for the period specified in the rates notice

An objection is to be made in writing within 28 days after receipt of the rates notice and lodged with the General Manager. The General Manager may amend the rates notice as the General Manager considers appropriate or may refuse to amend the notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection or refuses to amend the notice.

4.9 Policy review and legal status

Pursuant to section 86B(4) of the Act, Council must review its rates and charges policy by the end of each successive four year period after 31 August 2012 or when Council makes a significant change in how it applies rates and charges, whichever is earlier

Pursuant to section 86B(6) of the Act a rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.

5. Legislation and Related Council Policies

Local Government Act 1993, Part 9 – Rates and Charges

Council Policy No 60 – Asset Management

Council Policy No. 92 – Financial Hardship Assistance

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 78

New and Gifted Assets

Purpose:

To provide guidelines for Council when considering new and gifted assets.

Department:

Infrastructure Services

Author:

Rob Little, Asset Management Coordinator

Council Meeting Date:

11 February 2020

Minute Number:

33/2020

Next Review Date:

February 2024

POLICY

Forward Works Program

1. Objective

To be fair and equitable when consideration is given to new assets to be constructed by Council or proposed gifted assets to be taken-over by Council to ensure decisions are made with full understanding of long term effects on Council financial sustainability, any inherent costs and risks. This information will assist in the consultation process with the community.

2. Scope

This policy applies to:

- All new assets over \$20,000
- All assets with an annual operating expense of over \$2,500
- All gifted assets

3. Policy

Council will undertake an asset and cost benefit analysis on major projects to consider the whole of life costs and also include in the Forward Works Program a summary of whole of life costs, associated with any proposed new or gifted asset. This will allow Council to understand and consider risk and the impact on the Long Term Financial Plan, ratepayers, facility users and the broader community prior to agreeing to construct or take over these assets.

4. Legislation and Related Council Policies

Section 82, Estimates, Local Government Act 1993

Policy 56 - Recreation Facilities Pricing

Policy 60 - Asset Management

5. Responsibility

The Director Infrastructure Services is responsible for the application of this policy.

POLICY MANUAL

Policy Number: 79

Undocumented Domestic Building Works

Purpose: To establish guidelines for a procedure for managing undocumented building works.

Department: Community & Development Services

Author: Lynette While, Director

Council Meeting Date: 10 March 2020

Minute Number: 49/2020

Next Review Date: **March 2024**

POLICY

1. Definitions

Undocumented Building works- Building works carried out without either sufficient documentation or a building permit, in accordance with the requirements of the Building Act 2016

Class 1a & 10 Domestic Buildings and Structures

Class 1a

A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.

Class 10

A non-habitable building or structure -

Class 10a A private garage, carport, shed or the like.

Class 10b A structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like.

Building Certificate – A certificate issued by the General Manager under Regulation 83 of the Building Regulations 2016 certifying that Council does not intend to take any action in relation or the specified building.

Permit Authority – A council officer appointed by the General Manager to perform the functions under the Building Act 2016 in respect of Building, Plumbing and Demolition work.

Policy Name: Undocumented Domestic Building Works

**Version 4
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2. Objective

The objectives of this policy are to provide:

- An appropriate cut-off date whereby building works constructed before 1993 are generally deemed to comply with Section 12 of the *Building Act 2016* and the relevant Building regulations, where insufficient records exist; and
- A clear process to establish the legal status of domestic buildings and structures.

3. Scope

The Policy is applicable to existing Class 1a & 10 Domestic buildings and structures where insufficient records exist of building permits or other valid authorisations as prescribed in the Building Act 2016.

This policy is not applicable to any work on any Class 2 – 9 Commercial buildings.

4. Policy

It is policy that:

1. Subject to inspection, any Class 1a building constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the date of construction and will NOT be pursued as illegal building works.
2. Subject to inspection, any Class 10 domestic building works which were constructed prior to 1993 will be considered to substantially comply with the building control requirements applicable at the estimated time of construction and will NOT be pursued as illegal building works
3. Inspection of any building works subject to this policy will be undertaken at the property owner's expense by an accredited building surveyor or other licensed authority deemed by Council as appropriate.
4. Inspection and assessment is to assess the general compliance with relevant standards at the actual or estimated time of construction AND that the works do not present any obvious safety issues and as applicable are suitable for occupation.
5. Subject to inspection, Class 10 and Class 1a domestic building works will be considered to be fit for purpose, due to their performance over the last 20 (or more) years.

6. Council's Permit Authority will determine if a building was built prior to 1993.
7. Subject to ensuring the basic health and safety of any occupants of the building, the General Manager will, at the request of the property owner, issue a Building Certificate for a building constructed prior to 1993.
8. In determining a matter under this policy, Council may, at its discretion:
 - Request additional information in response to a provided report;
 - Request or prepare a report to determine the condition of the building works, and/or identifying the building works are suitable for occupation, if applicable;
 - Determine the year of construction (where possible); and
 - Require the property owner to carry out any works required to make the building safe.

5. Legislation & Related Council Policies

Building Act 2016
Building Regulations 2016
Meander Valley Council Customer Service Charter

6. Responsibility

Responsibility for the operation of this policy rests with the Director of Community and Development Services

POLICY MANUAL

Policy Number: 80

Management of Public Art

Purpose:

To guide Council's management of public art within its authority

Department:

Governance and Community Services

Author:

Patrick Gambles, Community Development Manager

Council Meeting Date:

17 January 2017

Minute Number:

19/2017

Next Review Date:

February 2021

POLICY

1. Definitions

Public art: is artwork freely accessible in the public domain. It consists of artistic productions and constructions that may be permanent or temporary, functional or aesthetic. Works of public art can include, but are not restricted to, paintings, murals, photography, sculpture, earthworks, signage, performance, water features, sound works, audio, text and multimedia.

Monuments and memorials are not included for the purposes of this policy.

2. Objectives

- To establish a clear and effective process for managing and supporting public art in the municipal area
- To facilitate the provision of public art in street-scaping, master-planning and town design projects for Meander Valley's communities
- To further enhance Meander Valley's reputation as a respected exponent of public art in Tasmania

3. Scope

This policy applies to the Council, employees, contractors and volunteers in the management of public art through Council activities.

4. Policy

Public art in Meander Valley arises from many sources with mixed funding models. Council commissions some public art and contributes to projects developed by other parties. Council is often required to be responsible for the ongoing maintenance and safety of art works in the public domain. This involves working in partnership with communities, artists, voluntary organisations, businesses and agencies of State, Commonwealth and Federal Governments.

In the development and management of public art in the municipal area, Council will:

- a) Be guided by the background paper 'Public Art in Meander Valley' (Mary Gill 2011).
- b) Respond to public art works proposed to be gifted to the Meander Valley community in accordance with its Gifted Assets and Asset Management Policies
- c) Take a strategic approach to the development of public art within the municipal area
- d) Encourage community consultation and involvement
- e) Support the creation of a voluntary Public Art Advisory Group with wide representation
- f) Appropriately register and maintain existing works
- g) Ensure that its access, risk management and public liability responsibilities are met
- h) Ensure that all relevant permissions and statutory approvals are identified and obtained
- i) Apply best practice standards of asset management including a commitment to consult with the artist(s) regarding any repairs or modifications to their work or its immediate surrounds
- j) Apply effective processes for the commissioning and decommissioning of public art
- k) Appropriately contract and attribute creators of public art
- l) Provide funds in its annual operational budget for ongoing maintenance of public art
- m) Consider public art opportunities in new or renewal capital projects in public spaces

5. Legislation and Associated Council Policies

Copyright Act 1968

Copyright Amendment (Moral Rights) Act 2000

Asset Management Policy No.60

New and Gifted Assets Policy No.78

State and Commonwealth legislation addressing the protection of cultural heritage

6. Responsibility

Responsibility for the operation of this policy rests with the Director of Governance & Community Services

POLICY MANUAL

Policy Number: 81

Online Communication

Purpose:

To provide direction to assist the Mayor, Councillors and Employees in the appropriate and productive use of Council social media.

Department:

Governance

Author:

Marianne MacDonald, Communications Officer

Council Meeting Date:

13 February 2018

Minute Number:

31/2018

Next Review Date:

June 2022

POLICY

1. Definitions

Social media - is a collection of internet based websites or applications that enable users to engage and communicate by creating and sharing content. It can take on many forms including:

- Blogs
- Micro-blogging sites
- Social Networking sites
- Video and photo-sharing sites

Council social media users - those authorised to administer Council-managed social media platforms.

Council managed social media platforms – those social media platforms created and managed by Council, such as a Meander Valley Council Facebook page, a Meander Valley Council Twitter account or a Meander Valley Council YouTube channel.

2. Objective

- To ensure appropriate and productive use of social media
- To minimise risks associated with Council's use of social media.

3. Scope

This policy applies to all elected members and employees of Council.

4. Policy

All Council social media users must:

- Be authorised by the General Manager, and
- Act in accordance with Council's Values and Council's Social Media Operational Guidelines.

If Council employees or Councillors comment publicly through Council's social media channels or using a personal account, the user must make it clear that their comments represent their opinion as a private individual or as a member of an external organisation and not their opinion as a Council employee or Council representative.

5. Legislation and related Council Policies

Legislation:

Local Government Act 1993
Archives Act 1983
Copyright Act 1968
Right to Information Act 2009
Tasmanian Defamation Act 2005
Tasmania Anti-Discrimination Act 1998
Commonwealth Privacy Act 1988

Policies:

Risk Management Policy
Information Management Policy
Media Communications Policy
Customer Service Charter
Human Resources Policies and Procedures
Customer Service Standards
Meander Valley Council Social Media Operational Guidelines 2014

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 82	Community Grants and Sponsorship Fund
Purpose:	To establish a funding principle and operational framework for a range of financial grants and sponsorships, collectively to be known as the Community Grants and Sponsorship Fund.
Department:	Community & Development Services
Author:	Lynette While, Director
Council Meeting Date:	14 July 2020
Minute Number:	131/2020
Next Review Date:	July 2024

POLICY

1. Definitions

Community Grants and Sponsorship Fund:

A collective of financial grants and sponsorships made available to not-for-profit community organisations and individuals in support of projects and activities that meet local need and develop community leadership, participation, knowledge, relationships, lifestyle, pride and resilience. These include Community Grants, Establishment Grants, Sponsorship Donations for Individuals and Organisations, Council Fee Reimbursement Grant and Townscape Incentive Grant.

Community Grant

Assistance to deliver a specific project or activity with outcomes that benefit the community. Outcomes include addressing local needs, developing leadership, attracting participation, building skills, utilising knowledge, developing resources and improving lifestyle. These grants fund special community events, community development projects, sport and recreation projects and activities, health and well-being programs and activities.

Community Organisation Establishment Grant

Support for the development of newly formed *not for profit* community organisations within the Meander Valley local government area.

Sponsorship Donation for Individuals and Organisations

Support to individual Meander Valley residents representing the district at State or National competition, sponsoring of awards that recognise local achievement, encourages events or activities to be delivered by organisations within the Meander



Valley local government area. Sponsorships can be made to charitable organisations, schools and sport clubs and individuals.

Council Reimbursement Grant

Support for the ongoing operation and sustainability of *not for profit* community organisations through a refund of the regulatory fees charged by Council for 'one-off' community projects they intend to complete. Eligible fees are typically for building, permit authority, planning, plumbing, place of assembly permit, food licence fees and tip fees.

Townscape Incentive Grant

Assistance to property owners in the Meander Valley LGA consistent with Guidelines to improve the external appearance of their buildings and gardens in keeping with heritage principles. Encouragement of traditional heritage restoration of historic buildings and landscapes by property owners through a one-off payment to support restoration projects affecting the external appearance of historic homes and gardens. This may include period renovations, authentic colour schemes and sympathetic landscaping in keeping with traditional characteristics and that can demonstrate heritage value.

2. Objective

The objectives of this policy are to:

- a) Establish the purpose and operating parameters for the Community Grants and Sponsorship Fund. The Fund specifically includes the Community Grant, Establishment Grant, Sponsorship Donations for Individuals and Organisations, Community Organisations Regulatory Fees Reimbursement Grant and the Townscape Incentive Grant.
- b) Maintain the value and relativity of the annual budget allocation for the Community Grants and Sponsorship Fund.

3. Scope

This policy applies to Councillors, staff and community representatives involved in the management of the Community Grants and Sponsorship Fund

4. Policy

Council will:

- a) Allocate an annual amount to provide for all grants and sponsorship under the Community Grants and Sponsorship Fund that will be not less than the previous year expenditure from the Fund. Council may at its discretion and within the limit of the annual budget allocations, vary the amount available to each grant or sponsorship type based on demand.
- b) Assess and allocate all Community Grants and Sponsorship Funds in accordance with the Meander Valley Council Community Grants and Sponsorship Policy Guidelines.

5. Legislation and Associated Council Policies

Local Government Act 1993 (Section 77 Grants and benefits)

Policy No. 1 Risk Management

Policy No. 45 Information Management

Policy No. 67 Personal Information Protection

Community Development Framework 2013

6. Responsibility

Responsibility for the operation of this policy rests with the Director Community & Development Services.

POLICY MANUAL

Policy Number: 83

Fraud & Corruption Control

Purpose:

To establish guidelines, procedures and responsibilities regarding appropriate actions that must be followed to prevent, deter and detect incidents of fraud and corruption.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

12 October 2021

Minute Number:

191/2021

Next Review Date:

October 2025 (as set, or every four years or as required)

POLICY

1. Definitions

Fraud: Inducing a course of action by deceit or other dishonest conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefits from, or evading a liability to, the Council.

Corruption: Dishonest action in which a person acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal benefit for themselves, or provide an advantage/disadvantage for another person or entity.

Whistle-blower: A person who has or professes to have knowledge of fraudulent or corrupt conduct and who chooses to report it to the appropriate authority.

2. Objective

- Promote a sound ethical culture within Council
- Ensure that Councillors and staff are aware of the responsibilities in relation to ethical conduct
- Protect Council's funds and other public assets and reputation
- Ensure senior management's commitment to identifying risk exposures to fraud

3. Scope

This Policy applies to:

- All Councillors, Committee members, employees, contractors and consultants of Meander Valley Council as they are responsible for the identification and management of all risks associated with the performance of Council functions and the delivery of Council services;
- Situations where fraudulent or suspicious behaviour is suspected and/or has been identified.

4. Policy

- Ensure internal controls are developed to deter, detect and prevent fraud or corruption;
- Provide a sound ethical environment in which fraud or corruption is difficult and honest behaviour is encouraged;
- Comply with legislation and relevant policies, procedures and controls;
- Proactively manage any allegation or incidences of fraud or corruption in accordance with approved procedure including reporting of allegations to law enforcement agencies;
- Provide sufficient resources to facilitate the implementation of this policy within Council;
- Protect disclosures, including anonymous reporting, in accordance with the Public Interest Disclosure Act 2002, the Fraud Control Plan and the procedures contained within it;
- Protect whistleblowers in accordance with section 19 of the Fraud Control Plan;
- Ensure awareness of the Fraud & Corruption Control Policy and associated procedures through the provision of appropriate training and awareness raising strategies to employees.

5. Legislation and Associated Council Policies

Local Government Act 1993
Criminal Code Act 1924
Integrity Commission Act 2009
Police Offences Act 1935
Privacy Act 1988 (Commonwealth)
Public Interest Disclosures Act 2002
Right to Information Act 2009
Meander Valley Council Code of Conduct



Meander Valley Council Code of Tenders & Contract
Meander Valley Council Fraud Control Plan

6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.

POLICY MANUAL

Policy Number: 84

Gifts & Benefits

Purpose: To establish guidelines, for the acceptance of gifts, hospitality or benefits by Councillors and staff, contractors, committee members, and volunteers.

Department: Governance
Author: Jacqui Parker, Manager Governance & Performance

Council Meeting Date: 12 July 2022
Minute Number: 163/2022

Next Review Date: *June 2024 (as set, or every four years or as required)*

POLICY

1. Definitions

Benefit: A non-tangible item which is believed to be of value to the receiver (i.e., preferential treatment such as queue jumping, access to confidential information, a decision to act or not act in a particular matter that provide an advantage, or and hospitality).

Bribe: A bribe is an offer of money or other inducement made to influence a person in the performance of their duties. Bribery or attempted bribery of a public official is a criminal offence.

Cash: Money, gift or debit cards, or vouchers which are readily convertible.

Cumulative Gift: A series of gifts of nominal value from the same person or organisation over a specified period which may have an aggregate value that is significant.

Conflict of Interest: A conflict of interest is a conflict between a person's public duty to act in the best interests of the Council and municipality and their private interests, whether it is financial or non-financial.

A conflict exists whether it is a:

- Real conflict of interest – it currently exists;

- Potential conflict of interest – it may arise, given the circumstances; or
- Perceived conflict of interest – members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the person’s performance of their duty to the Council and municipality, now or in the future.

A gift offer that involves a conflict of interest, whether real, potential or perceived can:

- Introduce a personal interest that did not previously exist.
- Encourage a person to prioritise a personal gain over their requirement to act in the public interest.
- Create an intimidation threat from the possibility of a gift offer being made public.

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The existence and significance of a conflict will depend on the nature, value, and intent of the gift offer.

Council Officials: Mayor, Councillors, Council staff (including labour hire or otherwise engaged persons) staff engaged through an employment agency), Council Committee members, volunteers and contractors.

Gift: Usually, a tangible item provided at no charge. Gifts may include, but are not limited to items such as cash, property (real or otherwise), goods and services made available at heavily discounted prices, alcohol, products, invitations to social functions and tickets to sporting, theatrical or music events.

Gift of Influence: A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment or benefit in the future.

Gift of Gratitude: A gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to an elected representative or staff member who speaks at an official function may be considered an example of this type of gift of gratitude.

Hospitality: Provision of accommodation, meals, refreshments, event tickets, or some other forms of entertainment.



Nominal Value:	The monetary limit of the value of gifts or benefits that may be accepted (i.e., total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value.
Non-Token:	Items that are of a more individual nature, with a value above the nominal value limit. Items may include, free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events and access to confidential information.
Public Interest Disclosure	A disclosure under the Public Interest Disclosures Act 2002, including the provisions in the Meander Valley Council Public Interest Disclosure Procedure.
Significant Value:	A gift or benefit that has a value above the nominal value limit.
Token:	Often mass produced (i.e., pens, calendars, ties or items with a company logo on them), offered in business situations to individuals. Usually have a value under the nominal value limit.

2. Objective

The objective of this Policy is to minimise gift, hospitality or benefit offers made or accepted by Council Officials. This helps to protect and promote public confidence in the integrity of the Council.

3. Scope

This Policy applies to all gifts, hospitality, or benefits offered to, or received by, all Council officials.

Internal gifts received by Councillors or staff from the Council are not covered by this policy and do not need to be declared; for example, service recognition gifts.

4. Policy

Council is committed to being open and transparent in its endeavours to achieve the best outcomes for its local community. The acceptance of gifts, hospitality and benefits can create perceptions that Council's integrity has been compromised.

Council Officials must:

- not accept gifts or benefits unless it is in accordance with Council policy;
- Declare any such offers to Council's General Manager via completion of an approved form, regardless of whether the gift is accepted or not;
- not under any circumstance accept an anonymous gift where the name and address of the person or organisation who gave the gift is not known.
- refuse gifts, benefits or offers of hospitality where there is a perceived, or actual, conflict of interest;
- be ethical, fair and honest in the conduct of their official duties;
- be aware that fraudulently receiving a gift, including hospitality, is an offence under both common law and legislation;
- be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand public scrutiny;
- not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals;
- ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality in order to secure or retain Council business;
- will take all necessary steps to ensure that no higher level of service or assistance is ever provided to any person on the understanding or expectation of a gift or benefit being offered; and
- report any incidences where a bribe and/or cash are offered to the General Manager and any other relevant legislation.

4.1 *Disclosure Threshold*

When deciding whether to accept or decline a gift or benefit, consideration is to be given to both the value of the gift or benefit and also the intent of the gift or benefit being offered.

Part 3A of the *Local Government (General) Regulations 2015*, (the Regulations) sets out the requirements for declaration of gifts and donations for Councillors.

For the purpose of this Policy the thresholds for declaration in the Regulations apply to all Council Officials. The applicable thresholds for declaration are:

- Any single gift, hospitality or benefit valued at \$50 or more; and
- In the case of multiple gifts received from a person or organisation, the gifts must be treated as a single gift with an aggregate value. Any gift, hospitality or benefit with an aggregate value of \$50 or more.

The Regulations threshold amounts may be varied by act of Parliament from time to time. In such cases, the amounts specified in the Regulations will apply.

Council Officials who receive more than (three) nominal gifts of a token nature from the same person or organisation, in a six-month period, must disclose that fact in the Gifts and Benefits Register regardless of the value.

This Policy, including the amounts and frequencies specified, to the extent permitted under the Regulations, may be varied to a lower amount by resolution of the Council. When varied, the amounts and frequencies that apply to the Policy must be updated.

4.2 *Recording Prohibited Gift Offers*

To assist the Council in monitoring the frequency and nature of prohibited gifts, it is essential that all such offers are disclosed. Council Officials must lodge a Gifts and Benefits Declaration Form and details will be included in the register.

4.3 *Conflict of Interest*

Council Officials are prohibited from accepting a gift that creates a conflict of interest (real, potential or perceived).

4.4 *Actual or Perceived Effect of the Gift or Benefit*

Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit is prohibited (i.e. a gift of influence).

Where it is suspected that a gift or benefit has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or benefit must be declined and the matter should be reported immediately to the relevant supervisor, General Manager or Mayor.

4.5 *Token and Inconsequential Gifts*

Token and inconsequential gifts may be accepted within limits.

As a single item, gifts or benefits of a token nature should not create the perception or circumstance of a conflict of interest and include:

- Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers;
- Books given to individuals at functions, public occasions or in recognition of exceptional work done;
- Gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done;
- Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business;
- Free meals of a modest nature and or beverages provided to Council officials who formally represent Council at work-related events such as training, education sessions and workshops;
- Invitations to approved social functions organised by groups such as Council Committees and community organisations where attendance is reasonably associated or in the course of Council business; and
- Door prizes and raffle prizes at functions or conferences are not considered a gift if the Council Official has personally paid for their attendance, or where they have paid for the raffle ticket.

If a Council Official has any doubt if a gift or benefit is token or of nominal value, they should discuss it with a supervisor or in the case of a Councillor, with the General Manager or Mayor.

4.6 Acceptance for reasons of culture or protocol

If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action, for example, may cause cultural offence or breach an established protocol), the gift may be accepted.

The offer and receipt of the gift or benefit must be declared on a Gifts and Benefits Declaration and recorded on the Council Gift Register. Normally, the gift will remain the property of Council, if there is any in doubt direction from the General Manager should be obtained.

4.7 Non acceptable gifts (non-token) and benefits

Gifts or benefits of a non-token nature include, but are not limited to:

- Free or discounted travel;
- Use of holiday homes;
- Tickets to major sporting events;

- Corporate hospitality at a corporate facility or sporting venue;
- Free training excursions;
- Access to confidential information;
- Discounted products for personal use; and
- Goods and services provided via a determination in a will or other legal deed.

At times a gift of a non-token nature may be given from an authority (organisation) to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual. In such instances the gift is the property of Council and it to be surrendered to the General Manager who is to determine how it should be treated.

If a Council Official refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive "special treatment", then such an instance is to be reported to the supervisor and the General Manager in the case of staff. Councillors should report any instance to the General Manager and Mayor.

4.8 Money or Equivalent

Council Officials are prohibited from accepting money, this includes gift cards (e.g. gift vouchers) or those easily converted into money (e.g. shares).

4.9 Regulatory Processes

Where a Council regulatory process is underway (e.g. a Planning Application or an Infringement Notice appeal) a Council Official is prohibited from accepting any gifts from any individual or group that may be involved with the regulatory activity.

4.10 Bequests/Wills

Council Officials are prohibited from accepting any bequests resulting from their position with Council. Arrangements may be made to donate the bequest to a charitable institution in the name of the donor, or returned to the executor of the estate for distribution in accordance with the law.

4.11 Procurement & Tender Process

Council Officials are prohibited from accepting any gifts, benefits and hospitality from a current or prospective supplier or any offer that is made during a procurement or tender process by a person or organisation involved in the process.

Where gifts are received or there are irregular approaches from suppliers, the Council Official must notify the General Manager and lodge Gifts and Benefits Declaration Form or Register (Attachment 1 and 2), so their refusal/action can be properly recorded.

Council Officials must not visit a current supplier's premises without invitation and when not on official business.

4.12 Hospitality

Council Officials, in the normal course of their duties, will from time to time receive invitations of hospitality to attend various functions and events.

Hospitality is considered a gift unless the hospitality was reasonable (see reasonable test below) and you were attending the function or event in an official Council capacity (see test below).

Hospitality does not constitute a gift if it is paid for by the Council, or by the person receiving the hospitality.

Where such hospitality is reasonable or modest in nature and provides an opportunity to undertake business of a common purpose, it may be appropriate to accept such invitations. Where practical, approval should be obtained prior to the attendance.

Examples:

- A business meeting to discuss matters of Council business at which a meal or refreshments are served; or
- Attendance as a Councillor or Delegated Committee member on official Council business.

If, however, acceptance of the hospitality is likely to create the impression of compromised impartiality of the Council Official, or could be perceived as a conflict of interest, the offer of hospitality should be politely declined.

Where appropriate, Council may elect to treat the cost of a meal or other hospitality for a Council official or their partner as a business cost. This may constitute a fringe benefit. With prior approval from the General Manager, the Council official may use a Council credit card, or to seek reimbursement from Council for the cost. Council officials should always make a specific written enquiry with Council's General Manager prior to making any commitment of this nature.

4.13 Reasonableness Test

The hospitality must be of a standard and type that an independent observer would consider appropriate and not excessive.

4.14 Official Capacity Test

Any hospitality accepted must be clearly aligned with the duty of a Council Official to attend the relevant function or event.

The following offers are likely to be considered "excessive", i.e. in excess of common courtesy:

- a 'fine dining and wines' working lunch at another organisation's premises.

- an offer to pay for a working lunch at a café.
- an offer of a free spot at an industry golf day.

The following offers are not considered excessive beyond common courtesy:

- a cup of coffee at another organisation's premises.
- a modest working lunch, such as sandwiches and pastries, at another organisation's premises.

4.15 *Family Members*

Council Officials must take all reasonable steps to ensure that immediate family members and other closely related parties do not receive gifts or benefits as a result of the Council official's position. This includes gifts or benefits of a non-token nature or gifts or those above the nominal value.

Immediate family members include parents, spouses, children and siblings.

Closely related parties includes, for example, business partners and close business connections, extended family with a close relationship to the Council official, and parties with trust-related or other types of fiduciary relationships with the Council official.

4.16 *Bribes*

Council officials must not offer or seek a bribe. Receiving a bribe is an offence under both the common law and state and federal legislation.

A Council Official who receives a gift offer that they believe is an attempted bribe must refuse the offer. They must also:

- immediately notify the General Manager;
- Ensure that a Gifts and Benefits Declaration Form is lodged, with their refusal properly recorded;
- report the matter as a public interest disclosure in accordance with Council's Public Interest Disclosure Procedure.

A Council Official who believes another person within the Council may have solicited or been offered a bribe which they have not reported, must notify the General Manager or the Tasmanian Integrity Commission, and/or report the matter in accordance with Council's Public Interest Disclosure Procedure.

4.17 *Records – Gifts and Benefits Registers*

A Gifts & Benefits Register will be maintained by the General Manager and reported to the Audit Panel every six months.

This Register will be made publicly available on request and contains the following information:

For the purposes of section 29B of the *Local Government (General) Regulations 2015* the following details are prescribed:

- "(a) the name of the donor of the gift or donation, if known;*
- (b) the relationship to the donor, if known;*
- (c) the suburb or locality where the donor resides, if known;*
- (d) the date on which the gift or donation was received; and*
- (e) the estimated monetary value of the gift or donation.*
- (f) the date on which the gift or donation was received;*
- (g) the estimated monetary value of the gift or donation."*

The content of the Register will be monitored by the General Manager on a regular basis.

4.18 Disposal of Gifts

The General Manager or Mayor will determine whether a gift or benefit of a non-token nature should be subject to disposal.

There are options for the disposal of gifts that have been accepted because they could not reasonably be refused, but should not be retained by an individual. Examples of such circumstances where gifts or benefits may be received include:

- Gifts accepted for protocol or other reasons, where returning it would be inappropriate;
- Anonymous gifts (received through the mail or left without a return address);
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment or cultural offence.
-

4.19 Breaches of Policy

All Council Officials are obliged to comply with this policy and sanctions may be applied if the policy is breached.

Any person may report an alleged breach of this policy by a Council official to the General Manager or Mayor as appropriate. The General Manager may investigate any report and take such action as is considered necessary in line with legislation, Code of Conduct and other relevant policy and procedure.

5. Legislation & Related Standards

- *Local Government Act 1993*
- *Local Government (General) Regulations 2015*



- *Code of Conduct for Meander Valley Councillors*
- *Fraud Control Policy and Plan*
- *Public Interest Disclosure Procedure*

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 85	Open Space
Purpose:	To guide Council's strategic provision of open space.
Department:	Infrastructure Services
Author:	Natasha Szczyglowska, Project Manager Infrastructure
Council Meeting Date:	12 June 2018
Minute Number:	110/2018
Next Review Date:	April 2022

POLICY

1. Definitions

Open Space: Publically owned land that is set aside for leisure and recreation.

2. Objectives

To strategically develop and manage Council's open space network in consultation with the community, so as to provide a variety of high quality recreational experiences that will:

- a) Encourage visitor engagement
- b) Add to the attractiveness of Meander Valley as a place to live and work in.

3. Scope

This policy applies to:

All existing and proposed open space within the local government area
All Council employees, Councillors, committee members and developers.

4. Policy

In furthering the objectives for open space, Council will apply the following principles in determining when, where and how open space is provided:

Liveability:

- Provide a variety of open space areas that are suitable for a range of likely users through opportunities for passive and active recreation e.g. neighbourhood parks, destination and/or regional facilities
- Provide open space that is visually attractive
- Ensure open space is safe, implementing best practice design principles
- Improve the connectivity of open space through links for walking and cycling

- Support community health and well-being through quality design and facilities
- Determine and deliver on the provision, acquisition and siting of open space

Efficiency:

- Consider maintenance and “whole of life” costs in the development and management of open space
- Avoid unnecessary duplication and promote multi-functional sites

Environmental Values:

- Enhance natural values in conjunction with recreational experience where practicable
- Respect and promote cultural heritage and local character through design and interpretation
- Implement water-sensitive urban design in the management of stormwater where appropriate
- Incorporate contemporary, sustainable design features where feasible

5. Legislation and Associated Council Policies

Disability Discrimination Act 1992

Local Government (Building & Miscellaneous Provisions) Act 1993

Meander Valley Interim Planning Scheme 2013

Meander Valley Council Asset Management Policy 60

New and Gifted Asset Policy 78

6. Responsibility

Responsibility for the operation of the policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 86

Industrial Development Incentive

Purpose:

To establish guidelines for the provision of an incentive to support industrial development in key strategic locations.

Department:

Governance

Author:

General Manager

Council Meeting Date:

8 October 2019

Minute Number:

185/2019

Next Review Date:

October 2023

POLICY

1. Definitions

- a) Industrial Precincts: - means the industrial precincts at Birralee Road, Westbury and East Goderich Street, Deloraine.
- b) Eligible Development:
 - Means new business development that establishes in the industrial precincts, or the relocation of an existing Meander Valley business to the industrial precincts, and;
 - Employs three (3) or more full time equivalent employees for the entire term of the industrial development incentive period.
- c) Eligible Recipient: - means the owner of the title.

2. Objective

The objective of this policy is to provide the parameters for Council to apply a financial incentive for the establishment of Eligible Development in the Industrial Precincts.

3. Scope

This Policy applies specifically to the establishment of new Eligible Development in the Industrial Precincts.

4. Policy

a) Background

The Industrial Precincts have been deemed as strategically important in accommodating industrial development as new development at these sites will avoid conflict with other uses and relocation of industry will assist in reducing conflict where there have been historical land use incompatibilities.

Whilst the industrial development incentive (IDI) will be unlikely to be the deciding factor for the location or relocation of an enterprise, it does however send a clear message to industry that Meander Valley Council is “open for business” and is serious about supporting business growth and the creation of local employment opportunities.

b) IDI Period

The IDI period applies for three (3) years from the date of the commencement of operation of the Eligible Development.

c) IDI Calculation

The IDI will be based on the General Rate component of the annual Rates and Charges levied on an Eligible Development and will be applied in the following manner.

- An eligible recipient must apply annually and in writing to Council.
- An eligible recipient will receive a grant equivalent to 100% the General Rate for the first financial year of operation
- An eligible recipient will receive a grant equivalent to 50% of the General Rate for the second financial year of operation.
- An eligible recipient will receive a grant equivalent to 25% of the General Rate for the third financial year of operation.
- Grants may be calculated on a proportional basis where an operational year crosses over from one financial year to the next financial year.

5. Legislation

Local Government Act 1993

6. Responsibility

Responsibility for the operation of the policy rests with the General Manager.

POLICY MANUAL

Policy Number: 87

Hadspen Urban Growth Area Development

Purpose:

To establish guidelines for the provision of infrastructure by Council, and securing contributions from landowners, to facilitate development in the Hadspen Urban Growth Area

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

14 September 2021

Minute Number:

167/2021

Next Review Date:

June 2024 (every four years or as required)

POLICY

1. Definitions

Hadspen Urban Growth Area:

The area described by the Hadspen Specific Area Plan (SAP F2) in the Meander Valley Interim Planning Scheme 2013

Landowner Contributions:

Contributions made by landowners to directly compensate Council for the cost of its investment.

Cost of Capital:

The borrowing rate as provided by TASCORP, applied to the total cost of the Council's investment over a period not exceeding 15 years which may include periodic interest rate reviews as determined appropriate to the financing arrangements.

Infrastructure:

For the purposes of this policy, infrastructure includes the following:

- Roads
- Stormwater including Water Sensitive Urban design
- Water and Sewerage
- Pedestrian and Cycle networks
- Power
- Telecommunications

Investment: Council finance provided for the construction of infrastructure in the Hadspen Urban Growth Area

Development: As defined by Section 3 of the Land Use Planning and Approvals Act 1993

2. Objective

The objective of this policy is to provide:

- for the construction of infrastructure which will underpin the development of the Hadspen Urban Growth Area
- a framework for financing Council investment in the capital cost of the construction of infrastructure
- a model for ensuring that Council recovers its investment

3. Scope

The Policy is applicable to the provision of infrastructure for the Hadspen Urban Growth Area.

4. Policy

Where it is in the public interest and it is financially sound to do so, Meander Valley Council may finance the provision of shared infrastructure related to the Hadspen Specific Area Plan MEA-S2.0 in the Tasmanian Planning Scheme – Meander Valley.

In determining the need for Council to enter into an agreement to facilitate the land development Council will consider the supply and demand circumstance within the area concerned and must be satisfied there is demand for land that underwrites the capacity for Council to recoup any investment.

Any recommendation to Council for financing or contributions to infrastructure under this policy must be informed by full due diligence in respect of the land tenure, relevant confirmation from utility providers, financial bona-fides of landowners and developers, and appropriate arrangements to secure any due financial contributions to Council.

5. Explanation and Principles

There are multiple land owners in the *Hadspen Urban Growth Area*.

In order to coordinate and facilitate development Council may resolve to finance and construct infrastructure that will be shared by the future community. In doing so, Council may take on a financial risk by assuming debt to finance its investment. The management of such financial risk is to address the following principles:

- Council will apply appropriate mechanisms to ensure that the initial investment is recovered and the debt paid down as the area is developed.
- Council will ensure that arrangements secure creditor rights and an ensured capability to recover its investment in any infrastructure.
- Council may finance the planning, design and construction of infrastructure where there is a clear public interest and a long-term benefit to the community.
- Council will limit the amount of its investment to:
 - Expenses associated with planning, design and construction of the infrastructure; and
 - The cost of capital required to provide finance.
- Council will cap its investment to the lesser of the annual borrowing limit approved by State Treasury for the current financial year or 100 percent of the annual general rate in the current year less any debt recovery under Council's *Policy No. 76 – Enabling Industrial Land Development*.
- Council will recover 100 percent of its investment in the development by way of developer contributions back to Council in accordance with the following procedures:

6. Mechanism

Having determined the timing of the contributions Council will recover its investment by a Part 5 agreement as provided for under Section 71 of the *Land Use Planning and Approvals Act 1993* with payment of the specified landowner contributions being payable on the sealing of a final plan in each subdivision.

- Landowner contributions will be apportioned on a per square metre basis of the saleable land and applied to each lot in the proposed subdivision accordingly.
- Council may agree, at its absolute discretion, to accept additional voluntary contribution payments. If Council agrees and voluntary contribution payments are received the remaining contribution amount will be proportionally reduced over the remaining square metres.

7. Timing of Developer Contributions to Council

The timing of any developer contributions back to Council will be determined at the discretion of Council based upon projected revenues from the development and the extent to which Council needs to provide a stimulus to the development:

- Should a landowner sell all or any part of the land during the life of the Part 5 Agreement the landowner contributions can either be recovered 100 percent from the initial landowner or spread between the original landowner and subsequent landowners; and/or
- The estimated time frame to recover Council's investment will not exceed 15 years

8. Legislation and related Council Policies

Local Government Act 1993

Land Use Planning and Approvals Act 1993

Policy No. 76 – Enabling Industrial Land Development

9. Responsibility

Responsibility for the operation of the policy rests with the General Manager.

POLICY MANUAL

Policy Number: 88

Related Party Disclosures

Purpose:

To outline the expectations of elected members and employees of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures*.

Department:

Corporate Services

Author:

Jonathan Harmey, Director

Council Meeting Date:

12 October 2021

Minute Number:

192/2021

Next Review Date:

October 2025 (as set, or every four years or as required)

POLICY

1. Definitions

Arm's length terms

Terms between parties that are reasonable in the circumstances of the transaction that would result from:

- Neither party bearing the other any special duty or obligation, and
- The parties being unrelated and uninfluenced by the other, and
- Each party having acted in its own interests

Close Family Member

Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.

Control of an entity

You control an entity if you have:

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

Declaration by KMP

An annual declaration of close family members and entities that the KMP or their close family members



control or jointly control, as per Appendix 1, updated during the year as necessary.

Entities controlled by KMPs	Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.
Entities related to Council	Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.
Joint control of an entity	To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the council context this includes the Mayor, Councillors, the General Manager and Directors.
KMP Compensation	<p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:</p> <ul style="list-style-type: none">a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave, paid sick leave and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;b) other long-term employee benefits, including long-service leave or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period and deferred compensation; andc) termination benefits.
Materiality	Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.



Omissions or misstatements of information are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the information or a combination of both, could be the determining factor.



Ordinary Citizen Transactions (OCTs)	Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.
Related Party of Council	People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.
Related Party Transaction	A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

2. Objective

The objective of the Standard is to ensure that Council's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

3. Scope

This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124). Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments. Under the Local Government Act 1993 and the Audit Act 2008 all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards.

4. Policy

- 4.1 Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council (Appendix 1).
- 4.2 For the purpose of this Policy, Close Family Members includes, but is not limited to:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or of that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

- 4.3 It is the responsibility of the Director Corporate Services to seek a declaration upon a change of KMP.
- 4.4 All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.
- 4.5 It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.
- 4.6 Council will not capture Ordinary Citizen Transactions (OCTs) with related parties; examples of OCT's are using a public swimming pool after paying the normal fee, paying property rates and dog registrations. If OCTs were to occur on terms and conditions that are different to those offered to the general public, the volume of transactions or other qualitative factors of the transactions may cause the OCTs to be assessed as being material in nature.
- 4.7 Council will not disclose non-material transactions. The Director Corporate Services and General Manager will jointly assess the materiality of the related party transactions that have been captured prior to disclosure. In determining materiality, the size and nature of the transaction individually and collectively will be considered.
- 4.8 Register of Related Party Transactions

4.8.1 Maintain a Register

The Director Corporate Services is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

4.8.2 Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
- the name of the related party;
- the nature of the related party's relationship with Council;
- whether the notified related party transaction is existing or potential;
- a description of the transactional documents.

The Director Corporate Services is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

4.9 Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.

4.10 Updates will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

4.11 In making disclosures in the annual financial statements Council will include:

- Total KMP compensation
- Employee expenses for close family members of KMP
- Transactions with close family members of KMP including the purchase of materials and services, assets and liabilities such as leases and loans.
- Any other separate disclosure for each category of related party transactions
- Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them
- Where related party transactions have occurred, the nature of the related party relationship, information about the transactions, outstanding balances and commitments, including terms and conditions, and whether the transaction were carried out on non-arm's length terms.

4.12 For the purpose of this Policy:

Examples of OCTs:

Using a council's public swimming pool after paying the normal fee
Attending council functions that are open to the public
Paying rates and charges in accordance with normal terms and conditions
Paying dog registrations in accordance with normal terms and conditions

Examples of transactions that are not OCTs:

Purchases or sales of land
Leases



Loans and settlement of liabilities
Employee expenses of Close Family Members

5. Legislation

- Australian Accounting Standard AASB 124 Related Party Disclosures
- Local Government Act 1993, Section 28(e) Functions of Councillors
- Audit Act 2008
- Privacy Act 1988
- Personal Information Protection Act 2004

6. Responsibility

Responsibility for the operation of this policy rests with the Director, Corporate Services.



Appendix 1 – Declaration of Related Party Transactions and Consent Form

Private and Confidential

Related Party Declaration by Key Management Personnel

For the period _____ to _____

Name of Key Management Person: _____

Position of Key Management Person: _____

Signature of KMP: _____

There have been no related party transactions during the period.

I am reporting the following related party transactions that occurred during the period, as follows:

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council entities

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council’s Related Party Disclosures Policy.

Declared at _____ on the _____

In accordance with Council's *Privacy Policy*, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

Appendix 2 - Related Party Information Collection Notice

Collection Notice

Related party transactions disclosure by Key Management Personnel

Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

Purpose of collection, use and disclosure of related party information

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties include the Mayor, Councillors, General Manager, Directors, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the Director Corporate Services and General Manager will jointly assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

Related Party Transactions Declaration by Key Management Personnel

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, Councillors, General Manager and Directors. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

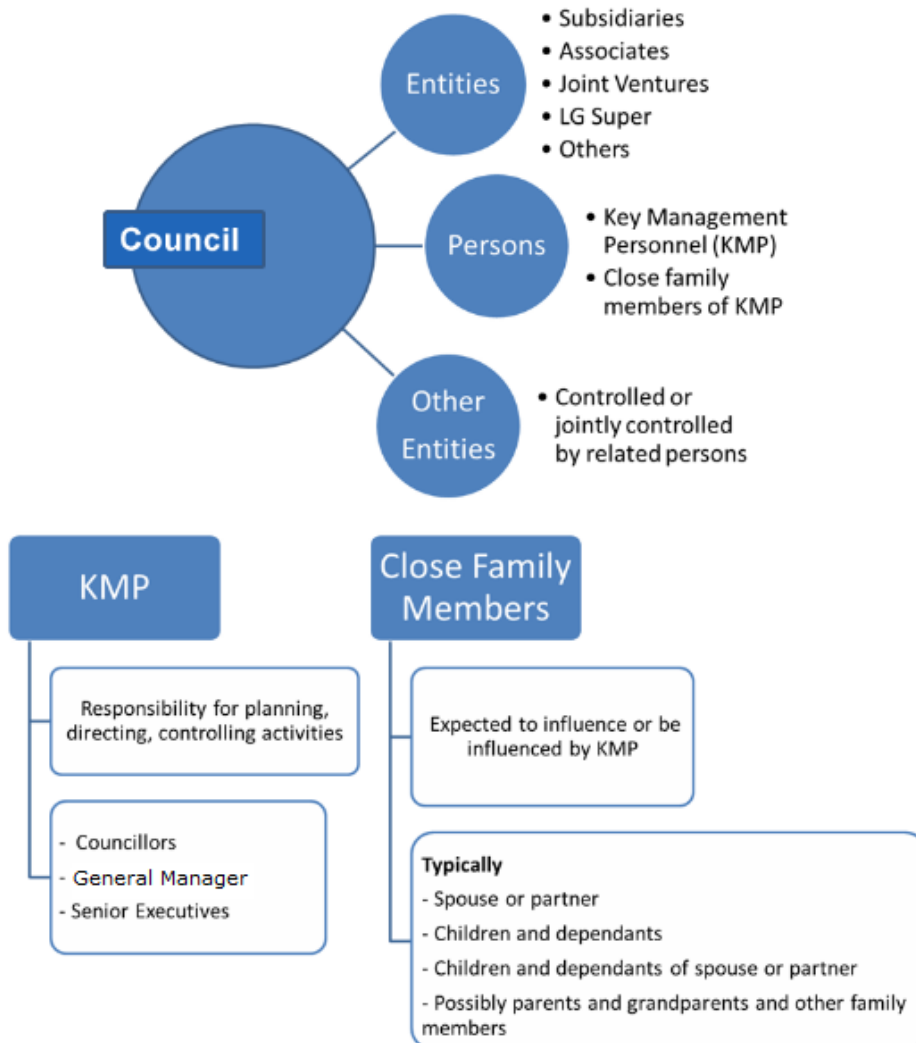
How will the information captured in the Declaration be used?

Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

Who are related parties?

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council's register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

What is an entity that I, or my close family members, control or jointly control?

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity;
and
- c) the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the Director Corporate Services for a confidential discussion.

POLICY MANUAL

Policy Number: 89

Camping on Council Reserves

Purpose: To provide guidance about the use of Council reserves for camping.

Department: Community & Development Services

Author: Lynette While, Director

Council Meeting Date: 14 November 2017

Minute Number: 247/2017

Next Review Date: **November 2021**

POLICY

1. Definitions

Council Reserves Includes parklands, sports fields, reserves, council land provided or managed by Council for the purpose of recreation.

Management Committee Special Committee of Council or community group approved by Council.

Overflow Events Agfest, Tasmanian Craft Fair and other significant events

2. Objective

To ensure that camping on Council reserves is managed in accordance with principles of the National Competition Policy.

3. Scope

This policy applies to land owned or managed by Council.

4. Policy

- Free camping is not permitted on Council reserves.
- During other significant events Council may allow temporary camping areas on Council reserves to manage overflow demand from local commercial operators. A fee may be charged to cover the costs of administration and maintenance.

- Camping on particular Council reserves will be considered in the following circumstances:
 - A management committee will manage the site
 - An appropriate level and type of public liability insurance is in place
 - A planning permit has been issued for the use
 - The reserve has the appropriate facilities to cater for campers, recreational vehicles or caravans.
 - No longer than four consecutive nights camping is permitted

5. Legislation

- Land Use Planning and Approvals Act 1993
- Local Government Act 1993

6. Responsibility

Responsibility for the operation of this policy rests with the Director of Community and Development Services.

POLICY MANUAL

Policy Number: 90

Mobile Food Vehicles

Purpose:

The purpose of this Policy is to provide direction for the granting of permits for mobile food vehicles to operate from a public street or Council owned or managed property.

Department:

Community & Development Services

Author:

Katie Proctor, Environmental Health Officer

Council Meeting Date:

12 March 2019

Minute Number:

44/2019

Next Review Date:

March 2023

POLICY

1. Definitions

A **mobile food vehicle** is a food business that operates from a mobile structure under the Food Act 2003. A mobile structure includes a vehicle or trailer that is not permanently fixed to the whole, or part, of a building, structure or land, in, at or from which food is, or is intended to be, handled or sold.

A **public street** means any street, road, lane, thoroughfare, footpath, bridge or place open to the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise as defined in the Traffic Act 1925.

Council owned or managed property includes Council managed parks, reserves, sports grounds, car parks and road reserves.

2. Objective

The objective of this policy is to establish the conditions under which Council may grant permits for mobile food vehicles to operate from a public street or Council owned or managed property.

3. Scope

The policy shall apply to anyone wanting to operate a mobile food vehicle within the municipality from a public street or Council owned or managed property.

4. Policy

Council supports the operation of mobile food vehicles within Meander Valley.

Council will consider applications for permits for mobile food vehicles on any public street within the municipality and on Council owned or managed property.

4.1 Assessment considerations

When assessing permit applications, the Council will take into account the following matters:-

- Advice from Tasmania Police as to the traffic and safety conditions and any other impact of the operation;
- Advice from Department of State Growth if the proposed location is suitable;
- Advice from key users (e.g. sports clubs) of Council owned or managed property;
- Whether the operation is an appropriate distance from established permanently fixed food premises;
- Proximity of sensitive uses (e.g. school, hospital); and
- Proposed time of day and period of operation.

Guidelines are to be made to give effect to this policy.

4.2 Exemptions

This policy does not apply to applications by mobile food vehicles to operate on a public street during an event where Council has granted permission for a street closure to conduct that event.

5. Legislation

Vehicle & Traffic Act 1999

Food Act 2003

Meander Valley Interim Planning Scheme 2013

Traffic Act 1925

6. Responsibility

Responsibility for the operation of the policy rests with the Director Community & Development Services and Director Infrastructure Services.

POLICY MANUAL

Policy Number: 91

Climate Change Mitigation and Adaptation

Purpose: Provide a basis for acting to mitigate and adapt to the effects of climate change

Department: Governance

Author: John Jordan, General Manager

Council Meeting Date: 10 March 2020

Minute Number: 52/2020

Next Review Date: **March 2024**

POLICY

1. Definitions

Adaptation: The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate harm or exploit beneficial opportunities. In natural systems, human intervention may facilitate adjustment to expected climate and its effects (*adapted from IPCC – Assessment Report 5*).

Climate Change: A change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer (*IPCC – Assessment Report 5*).

Mitigation: A human intervention to reduce the sources or enhance the sinks of greenhouse gases (GHGs) (*adapted from IPCC – Assessment Report 5*).

2. Objective

To acknowledge climate change as a factor to be managed and Meander Valley Council's commitment to work with other levels of government, industry and the community to responsibly mitigate and adapt to the local effects of climate change.

3. Scope

This policy applies to all Meander Valley Council operations, practices, services and community facilities; including the management of natural areas.

Responses and specific actions to mitigate and adapt to the effects of climate change will be progressed in line with this policy through normal planning and risk management systems.

4. Policy

1. Meander Valley Council acknowledges the world's climate is changing due to increasing concentrations of greenhouse emissions in the atmosphere.
2. All levels of government, industry and the community need to minimise greenhouse gas emissions. Coordinated and integrated action is needed to mitigate and adapt to climate change and the Meander Valley Council supports the Australian and State Governments acting to contribute to global climate change mitigation in a way that responsibly achieves environmental, economic and social sustainability.
3. Meander Valley Council recognises that while the specific local impacts of climate change are uncertain, it makes sense to minimise pollution and related environmental impacts and adapt to emerging and future risks arising from climate change.
4. Meander Valley Council will within the limits of its capacity work with governments of all levels, neighbouring regional councils, industry and the community to reduce greenhouse emissions and manage the economic, social and environmental risks from climate change.

5. Legislation

Climate Change (State Action) Act 2008

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 92

Financial Hardship Assistance

Purpose:

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

Department:

Corporate Services

Author:

Jonathan Harmey, Director

Council Meeting Date:

21 April 2020

Minute Number:

76/2020

Next Review Date:

April 2024

POLICY

1. Objective

This policy is developed and implemented during the 2020 COVID-19 coronavirus pandemic. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.

Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.

2. Scope

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

3. Principles

This policy will be applied in accordance with the following principles:

- 3.1 Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- 3.2 Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- 3.3 Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- 3.4 Ensuring that those able to contribute to local services, continue to do so.
- 3.5 Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- 3.6 Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

4. Policy

- 4.1 According to the Australian Taxation Office (ATO), individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:
 - a. Food;
 - b. Accommodation;
 - c. Clothing;
 - d. Medical treatment;
 - e. Education;
 - f. Other basic necessities.
- 4.2 Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances. A number of factors can contribute to or trigger serious financial hardship, including:

- a. Loss of employment of the property owner, family member or household primary income earner;
 - b. Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
 - c. A natural disaster;
 - d. A public health emergency or declared state of emergency;
 - e. Family tragedy;
 - f. Family breakdown;
 - g. Other serious or complicating circumstances.
- 4.3 Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.
- 4.4 Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:
- a. Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
 - b. A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
 - c. Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
 - d. Notice of impending legal action;
 - e. Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
 - f. Bank notice for example, overdraft call or mortgaged property repossession;
 - g. Employer notice of redundancy or termination of employment;
 - h. Overdue medical bills;
 - i. Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
 - j. Final notice from school regarding payment of mandatory fees;
 - k. Funeral expenses;
 - l. Repossession notice of essential items, like a car or motorcycle (primary transport).

How Can Council Help

- 4.5 The *Local Government Act 1993* provides Council with three methods of rate relief:
- a. Postponing rate payments (sections 125-127)
 - b. Remission of late payment penalties or interest (section 128)
 - c. Remission of rates (section 129)

Postponing Rates Payments – Deferral Arrangements

- 4.6 In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by three (3) months. However, rate deferral arrangements can only defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days notice in writing to the ratepayer.

Remitting Late Payment Interest

- 4.7 For typical circumstances that are not of financial hardship, rates must be paid by the due date and Council may charge interest calculated daily for late payments. However, for confirmed cases of financial hardship, Council may waive the applicable interest accumulated, for a specified period that relates to the period of financial hardship.

Remitting Rates

- 4.8 Remission of any rates, or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- a. Financial hardship;
- b. Exceptional and serious circumstances;
- c. How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 4.6 unfeasible and unreasonable to fulfil; and
- d. How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- e. Deferral arrangements are preferable to rates remission;
- f. Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1,000 or 50%; the remainder subject to payment arrangements;
- g. Instances of rates remission are to be minimised to no more than one rates remission per applicant.

Applying for Financial Hardship Assistance

- 4.9 To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:
- Emailed to: mail@mvc.tas.gov.au or
 - Mailed to: General Manager, Meander Valley Council, PO Box 102, Westbury Tasmania 7303.
 - Delivered in person to: General Manager, Meander Valley Council, 26 Lyall Street, Westbury Tasmania 7303.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section 4.4 – Evidence of Financial Hardship);
- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment interest;
 - Remitting rates, interest, in part or in full;

- Address the requirements of the relevant subsections of sections 4.4 to 4.7.

Assessing Applications

- 4.10 Applications for deferral arrangements must be decided by:
- a. For amounts less than \$2,500: Director Corporate Services or General Manager; or
 - b. For amounts of \$2,500 or greater: General Manager.
- 4.11 Applications for remission of any rates or interest charges must be decided by Council and require absolute majority to be approved. However, Council has delegated all remission decisions based on Financial Hardship Assistance to the General Manager in accordance with this Policy and Section 22 of the *Local Government Act 1993*.

5. Legislation & Related Council Policies

Local Government Act 1993, Part 9 – Rates and Charges, particularly:

- Section 86A – General principles in relation to making or varying rates
- Sections 125-127 – Postponement of payment
- Section 128 – Late payments
- Section 129 – Remission of rates

COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

Meander Valley Council Policy 77 Rates and Charges

6. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 93

Managing Public Appeals and Fundraising

Purpose: To set out the circumstance and process requirements for Council assistance to public appeals and fundraising.

Department: Community and Development Services

Author: Krista Palfreyman, Acting Director

Council Meeting Date: 10 November 2020

Minute Number: 221/2020

Next Review Date: **November 2024**

POLICY

1. Definitions

Public Appeal:

A coordinated public campaign for public donations (of money or goods) in response to an accident, incident, emergency or disaster, or other event managed by a recognised and registered charitable organisation.

Fundraising:

A community based campaign to raise money or other donations in response to a recognised need in the Meander Valley Community.

2 Objective

To clarify Council's involvement in public appeals and fundraising.

3. Scope

1. This policy applies to the use of Council branding, funds, facilities and staff resources applied to support public appeals and fundraising efforts.
2. Individual Councillor fundraising initiatives that do not use Council facilities or does not use Council's brand are not covered by this policy.
3. Ongoing fundraising efforts for use by local community groups or sporting clubs are excluded from this policy.

4. Policy

1. Council will not manage public appeals or fundraising independently, but will assist third party organisers to support appeals and fundraising where appropriate.
2. Council may, at the discretion of the Mayor and General Manager, serve as a collection point for monetary donations for public appeals and fundraising provided the appeal or fundraising effort is managed by an appropriately accountable organisation or registered charity.
3. Any request for Council support or involvement must be in writing. A written request must clearly identify the purpose of the appeal or fundraising effort, the beneficiaries of the funds, any proposed administrative costs to be garnished from funds raised, and the organisation details responsible for the public appeal.
4. Council may, at the discretion of the Mayor and General Manager, make available Council facilities and assets to support public appeals and fundraising.
5. Council may contribute to an existing public appeal through a discretionary 'Mayor's Donation'. This contribution shall be no more than \$500 and must be approved by the Mayor on recommendation by the General Manager. Any such donation is to be reported at the next ordinary meeting of Council and be funded by Council's Community Grants and Sponsorship Fund (Policy No. 82).
6. Proposed donations above \$500 are to be determined by the full Council.
7. In making any donation, Council is to give consideration to any other form of assistance that may be appropriate and available through Council; including for example community or other grants.
8. Council will manage funds held in trust in accordance with relevant Council policy and procedures. Council will not retain control or manage cash or donated items on behalf of an appeal or fundraising effort beyond the time reasonably necessary to arrange transfer of any cash or goods to the organisation managing the appeal or fundraising event.
9. The organisation conducting the appeal or fundraising effort is responsible for the issuing of any documentation; including the issuing of Deductible Gift receipts. If required, and at its discretion, Council will retain records of donations to allow the issuing of Deductible Gift Certificates.

Council will not handover collected cash directly. Any cash collected will be banked and managed through a traceable transfer to the nominated bank account of the organisation managing the appeal or fundraising event. The nomination of a bank account must be in writing and must be in the name of the managing organisation.

5. Legislation

Local Government Act 1993

Income Tax Assessment Act 1997

6. Responsibility

The responsibility for the operation of this policy rests with the Director Community & Development Services.

POLICY MANUAL

Policy Number: 94

Facility Sponsorship and Advertising

Purpose:

To define factors to be considered when determining a request from sporting, recreational and community groups for Council consent to enter into a naming rights sponsorship agreement for Council owned facilities.

Department:

Infrastructure Services

Author:

Patrick Bessell, Sport Facility Officer

Council Meeting Date:

19 January 2021

Minute Number:

15/2021

Next Review Date:

January 2025

POLICY

1. Definitions

- Community Group: Any group that is a user of a Council Facility under the terms and conditions of an ongoing hire agreement or lease.
- Council Facility: Any building, playing field, associated infrastructure or any specified part of a facility owned by Meander Valley Council.
- Naming Rights: The exclusive right for a Sponsor to name or brand a Council Facility or part of a Council Facility with signage for a specified period.
- Sponsor: Any form of private organisation seeking a Sponsorship arrangement.
- Sponsorship: The exchange of money, goods, services or "in-kind" support from a Sponsor to a Community Group where there are specific obligations on the Community Group for a return to the Sponsor.

2. Objective

To define factors to be considered when determining a request from sporting, recreational and community groups for Council consent to enter into a Naming Rights Sponsorship agreement for Council owned facilities.

3. Scope

This Policy applies to a proposal to assign Naming Rights to a Council Facility or part of a Council Facility.

4. Policy

- 4.1 Council acknowledges that Sponsorship can provide significant benefits to community groups, sponsors and the wider community. In considering an application to approve a Sponsorship agreement, including naming and related advertising rights, Council will consider the following:
- 4.1.1 Facility Naming Rights may be permitted on Council owned sports grounds, pavilions or public buildings, or a specific area within a sporting precinct or reserve.
 - 4.1.2 A Sponsorship proposal must be made by a Community Group operating under the terms and conditions of an ongoing hire agreement or lease arrangement unless the Sponsorship request relates to a facility directly controlled and managed by Council.
 - 4.1.3 A written Sponsorship agreement must be executed between the Community Group and Sponsor. Any such agreement must be consistent with Council policy and the terms of any hire or lease agreement.
 - 4.1.4 Where use of a Council Facility is shared then other users of the facility must be consulted by the applying Community Group. Any identified issues and proposed solutions must be raised in the proposal.
 - 4.1.5 A Sponsorship and/or Naming Rights proposal must be consistent with community and Council values and be cognisant of history relating to the facility and its location. Without limiting its discretion, Council is to consider the reputation and brand of a proposed Sponsor, the nature of the business of the Sponsor, restrictions on the general amenity or operation of the facility, and risks to the reputation of Council or the community.
 - 4.1.6 Sponsorship proposals that promote tobacco, alcohol, gambling, adult services, any activity prohibited by law, or otherwise deemed inappropriate by Council, will not be accepted.
 - 4.1.7 Any Sponsorship and related promotion through Naming Rights or other activity must not imply Council endorsement of a brand, product or organisation.
- 4.2 A sponsored Council Facility with assigned Naming Rights may be referred to by its sponsored name in Community Group communications, competitions,

promotions and marketing. Council will continue to use the existing building or reserve name in official or public documents.

- 4.3 Sponsor signage must be in accordance with the conditions stated in Council's hire agreement or lease documentation. Any new signage structure will be subject to relevant planning requirements and approval in advance by Council.
- 4.4 A Naming Rights proposal will be considered on a case by case basis and approved by Council. Any proposed Sponsorship agreement which affects a Council Facility is to be provided to Council for review before execution by the General Manager
- 4.5 No actions (i.e. installation of signage) will be undertaken until formal approval is provided by the General Manager or as required by Council.

5. Legislation

Local Government Act 1993

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

POLICY MANUAL

Policy Number: 95

Indigenous Recognition

Purpose:

To ensure Traditional Owners / Custodians of the land are acknowledged.

Department:

Governance

Author:

John Jordan, General Manager

Council Meeting Date:

14 December 2021

Minute Number:

235/2021

Next Review Date:

October 2025 (as set, or every four years or as required)

POLICY

1. Objective

The objective of this policy is to:

- Acknowledge the Aboriginal culture and history relating to the lands within the Meander Valley Local Government Area;
- Express Council's commitment towards promoting the Aboriginal community, culture and reconciliation in the Meander Valley; and
- Promote awareness of, and respect for, the Aboriginal community, as the Custodians of the land and waterways through appropriate acknowledgement at Meander Valley Council public functions and events.

2. Scope

This policy applies to Council Meetings, Council Committee Meetings and official Council ceremonies, functions and events attended by the public.

3. Policy

1. Council recognises the long standing cultural history of the now past Pallitore and Panninher peoples (the past peoples) and is committed to supporting a continuing recognition of their connection and history to the lands and waterways which now comprise the local government area of Meander Valley.
2. Council acknowledges the significant role the Aboriginal community of Tasmania (collectively known as the Palawa) plays in acknowledging and respecting the past peoples of the land and waterways.

3. Council respects and supports the role of local Aboriginal people in acknowledging and preserving the connection of past peoples as well as their own culture and connection to the land and country that is now the Meander Valley Local Government Area;
4. Council will be guided by the protocols of the National Indigenous Australians Agency which is a complement to the guidance of local Aboriginal people within our community.

4. Recognition and Acknowledgement Actions

1. Council will recognise the past peoples and local Aboriginal people and their culture and connection to this country, through the display of the Australian Aboriginal Flag in the Council Chamber at Westbury and at official ceremonies where the Australian and Tasmanian flags are also displayed.
2. The Australian Aboriginal Flag will also be flown externally at the Council Chambers during days of significance in line with national protocols and conventions.
3. When appropriate, Council will invite a representative from the local Aboriginal community to perform a *Welcome to Country* at official ceremonies and significant community events and meetings delivered by Council.
4. Council will undertake an *Acknowledgement of Country* at Council organised public events, such as Council Meetings and Citizenship Ceremonies.

Welcome to Country

A *Welcome to Country* is to be delivered by Traditional Owners or Custodians of the land on which the event takes place.

Council will invite a recognised representative of the local Aboriginal community to conduct a *Welcome to Country* at Council-organised events of significance, including Citizenship Ceremonies.

In the spirit of community service, it is anticipated a *Welcome to Country* will be provided at no cost. Council will however reimburse any demonstrated and reasonable costs incurred in attending or conducting the ceremony, or donate the equivalent to an initiative that benefits Aboriginal people.

Acknowledgement of Country

The Meander Valley municipality was home to Aboriginal people from the Pallitore clan (to the West) and the Panninher clan (to the East).

Acknowledgement of Country gives recognition to both past peoples and also the present local Aboriginal people who live on the lands now known as Meander Valley.

Acknowledgment will be given through the following words:

1. *'I begin today by acknowledging the Pallitore and Panninher past peoples and the Traditional Owners and Custodians of the land on which we gather today, and pay my respects to Elders past and present. I extend that respect to all Aboriginal and Torres Strait Islander peoples here today.'*

Or

2. *'I begin today by acknowledging the Traditional Owners and Custodians of the land on which we gather today, and pay my respects to Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.'*

Flying the Aboriginal Flag

The Australian Aboriginal Flag will be permanently displayed in the Council Chamber at 26 Lyall Street, Westbury, in line with Australian Flag Protocols.

The Australian Aboriginal Flag will be flown externally at the Council Chamber in line with Australian Flag Protocols during significant events such as NAIDOC week.

5. Legislation

Constitutional Recognition of Aboriginal People Act 2016
Flags Act 1953

6. Responsibility

Responsibility for the operation of the policy rests with the General Manager.