



Meander Valley Council

W O R K I N G T O G E T H E R

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 9 August 2016

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Minutes of the ordinary meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 9 August 2016 at 1.31pm.

PRESENT: Mayor Craig Perkins, Deputy Mayor Michael Kelly, Councillors Andrew Connor, Tanya King, Ian Mackenzie, Bob Richardson, Rodney Synfield, John Temple and Deb White.

APOLOGIES: Nil

IN ATTENDANCE: Malcolm Salter, Acting General Manager
Merrilyn Young, Personal Assistant
David Pyke, Director Governance & Community Services
Rick Dunn, Director Economic Development & Sustainability
Martin Gill, Director Development Services
Matthew Millwood, Director Works
Dino De Paoli, Director Infrastructure Services
Jo Oliver, Senior Town Planner
Justin Simons, Town Planner
Daniel Smedley, Recreation Co-Ordinator
Marianne McDonald, Communications Officer
Natasha Szczyglowska, Technical Officer

166/2016 CONFIRMATION OF MINUTES:

Councillor White moved and Councillor King seconded, ***“that the minutes of the Ordinary meeting of Council held on Tuesday 12 July, 2016, be received and confirmed.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.

167/2016 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:

Date :	Items discussed:
26 July 2016	<ul style="list-style-type: none">▪ General Manager Appointment▪ Potential Property Purchase – Prospect Vale▪ Hadspen Urban Growth Area – Project Update

168/2016 ANNOUNCEMENTS BY THE MAYOR:

Friday 15 July 2016

Regional Flood Recovery Committee meeting

Monday 18 July 2016

Meeting with Minister for Education, Hon. Jeremy Rockliff (Hobart)

Wednesday 19 July 2016

LGAT AGM and General meeting

Thursday 20 July 2016

LGAT Annual Conference

Regional Flood Recovery Committee meeting

Friday 21 July 2016

LGAT Annual Conference

Monday 25 July 2016

Meeting with Meander Valley Financial Services (Deloraine Sports precinct funding)

Tuesday 26 July 2016

Council workshop

Wednesday 27 July 2016

Regional flood information session (Deloraine)

Meeting with Ross Hart, Federal member for Bass

Beacon Foundation Business Partnership Group

Thursday 28 July 2016

Bioenergy Workshop (Westbury)

Friday 29 July 2016

Regional Flood Recovery Committee meeting

169/2016 DECLARATIONS OF INTEREST:

180/2016 – CONTRACT NO 175-2016-17 – DESIGN AND CONSTRUCTION OF
BRIDGE NO 782, LIENA ROAD, LIENA – CR MICHAEL KELLY

170/2016 TABLING OF PETITIONS:

Nil

171/2016 PUBLIC QUESTION TIME

1. QUESTIONS TAKEN ON NOTICE – JULY 2016

Nil

2. QUESTIONS WITHOUT NOTICE – AUGUST 2016

Nil

172/2016 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – JULY 2016

1.1 Cr Bob Richardson

- (a) The July 2016 "Meander Valley Gazette" included an article headlined with "Launch of New Basketball Initiatives".

Apart from the 4 basketball rings, each with a price equivalent to that of a Mitsubishi Outlander, the article stated: "the (upgrades) also included upgrades to stadium seating, the canteen and toilet and shower facilities". Because the press article stated "included", presumably money was also spent on other facilities.

What was the total cost of these refurbishments, including the Council staff input, Council administration fees, materials and labour/contractors fees?

Response by Daniel Smedley, Recreation Co-Ordinator

The refurbishments mentioned in the media release for the launch of the new basketball rings at Deloraine Community Complex stadium included:

- 1. The seating project including semi-permanent fixing of the seating to the stadium walls and minor repairs carried out by Tas Precision Contracting. Including staff time to organise the supplier the cost was \$1440.27.**
- 2. The canteen upgrade was part of the 2015 Capital Works program approved by Council. The total cost of this project was \$23,908.66**
- 3. The toilet and shower facilities improvements are to be undertaken in the 2016-2017 financial year and \$30,000 has been approved by Council in the Capital Works budget.**

What was the cost of the launch function, including staff time, advertising, refreshments, etc.?

Response by Daniel Smedley, Recreation Co-Ordinator

The launch of the new basketball rings at Deloraine Community Complex stadium was very successful and befitting a once in a generation stadium development. The event was covered by Southern Cross television, The Examiner and The Meander Valley Gazette and reflected positively on the work that Meander Valley Council is undertaking in support of the community.

The launch was organised by Council's Recreation Co-ordinator and Facility Officer and a sausage sizzle was provided by the Deloraine Junior Basketball Club catering committee which undertakes fundraising towards an annual visit by junior players to Canberra. The Council contributed \$225 towards the cost of the sausage sizzle and non-alcoholic drinks that were served. The total cost of the event to Council, including catering (\$225), staff time (\$145) and mail-out (\$30) was \$400.

- (b) Senator Eric Abetz has stated that the "new" Turnbull Government will honour promises made during the election, even if made by defeated members. Some of those promises related to sporting/recreational facilities included: Exeter (\$1 million), Campbell Town (\$775,000), Oatlands (\$1.5 million), Smithton (\$3.6 million).

Given that the proposed Westbury Recreation and Community Function Centre was to cost in excess of \$3 million why did Council only request \$300,000? And who made that decision?

Response by Greg Preece, General Manager

At the November 2015 Council meeting, Council approved the list of Priority Projects for the Bass and Lyons electorates. The Westbury Recreation Ground Clubroom Development project only sought \$250,000 but \$300,000 was given.

2. COUNCILLOR QUESTIONS ON NOTICE – AUGUST 2016

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – AUGUST 2016

3.1 Cr Tanya King

Cloud Seeding

I have read a copy of Hydro Tasmania's "Cloud seeding flight of 5 June 2016 Background and event final report".

The report is underwhelming and fails to address the broader issues. Perhaps these are addressed elsewhere in another of Hydro Tasmania's potentially more detailed reports.

The June flood events have significantly impacted on many Meander Valley residents and ratepayers, in particular, the losses for farmers in terms of infrastructure – fencing, roadways and the like as well as significant livestock losses must be acknowledged.

Could Council please contact Hydro Tasmania seeking more detail on the following issues;

- Given the weather forecast, why did Hydro Tasmania proceed with cloud seeding over the Western Tiers?
- How do Hydro Tasmania plan to better manage Tasmania's water storages to reduce the reliance on cloud seeding?
- What are Hydro Tasmania's current policies on the "export" of power in relation to low limit levels in water storages?
- Although no further cloud seeding is proposed for the remainder of the current "season", what communication can Tasmanian's expect for future cloud seeding operations?

Questions taken on notice

3.2 Cr D White

On August 8, 2016, Councillors received a copy of a letter to the General Manager from Bleyer Lawyers Pty Ltd concerning Council's decision to award Teen Challenge the tenancy of the Meander Primary School site. Could the Acting General Manager advise us as to how he will respond to that letter?

Response by Malcolm Salter, Acting General Manager

The letter was referred to Council's solicitor this morning requesting advice on a response.

3.3 Cr Bob Richardson

In light of press comments relating to potential legal action over use of the Meander School site, have those issues impacted upon lease negotiations with Teen Challenge?

Response by Rick Dunn, Director Economic Development & Sustainability

No they have not. Council provided Teen Challenge with a proposed lease on Monday 8 August, 2016, for their consideration and Teen Challenge have indicated they will get back to Council should they seek clarification on the proposed lease.

173/2016 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

174/2016 NOTICE OF MOTIONS BY COUNCILLORS

Nil

175/2016 REVIEW OF POLICY NO. 62 – ADHESION ORDERS

1) Introduction

The purpose of this report is for Council to review Policy No. 62 – Adhesion Orders

2) Recommendation

It is recommended that Council adopt the amended Policy No. 62 – Adhesion Orders, as follows:

POLICY MANUAL

Policy Number: 62

Adhesion Orders

Purpose:

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

Department:

Development Services

Author:

Martin Gill, Director

Council Meeting Date:

13th August 2013 - 9 August 2016

Minute Number:

137/2013

Next Review Date:

August 2016-2020

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.

"Urban settlement" includes land within a town that is serviced with either a council water or sewage supply.

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 by the applicant.
- In essence, this would occur where two or more adjoining lots are involved and held in common ownership, and at least one 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.

Alternative to Adhesion Order

- ~~Should two or more lots require amalgamating, and the survey costs are considered excessive for the benefit obtained, Council may allow the use of a Part 5 Agreement under the provisions of Section 71 of the Land Use Planning and Approvals Act. The applicant is responsible for providing information to enable Council to make a determination about whether the survey costs are excessive when compared to the benefit to be obtained. Council, however, has no way of ensuring that the Land Titles Office enforces such Part 5 Agreements on the sale of parcels of land.~~
- ~~Agreements under section 71 of LUPA will not be allowed in defined urban settlements.~~

Refusal of application for Adhesion Orders

- Where the requirements of Section 110 of Local Government (Building & Miscellaneous Provisions) Act 1993 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 subdivision in accordance with the land Use Planning and Approvals Act.

5. Legislation

Section 110 - Local Government (Building & Miscellaneous Provisions) Act 1993

6. Responsibility

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

DECISION:

Cr White moved and Cr Mackenzie seconded ***“that Council adopt the amended Policy No. 62 – Adhesion Orders, as follows:***

POLICY MANUAL

Policy Number: 62

Adhesion Orders

Purpose:

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

Department:

Development Services

Author:

Martin Gill, Director

Council Meeting Date:

9 August 2016

Minute Number:

175/2016

Next Review Date:

August 2020

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.

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5. Legislation

Section 110 - 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.

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.

176/2016 REVIEW OF POLICY NO. 72 – STREET DINING & VENDING

1) Introduction

The purpose of this report is for Council to review Policy No. 72 – Street Dining and Vending.

2) Recommendation

It is recommended that Council continues the existing Policy No. 72 – Street Dining and Vending, as follows:

POLICY MANUAL

Policy Number: 72	Street Dining and Vending
Purpose:	To establish a Policy for the controlled management of street dining and vending within townships.
Department:	Development Services
Author:	Martin Gill, Director
Council Meeting Date:	13 August, 2013 9 August 2016
Minute Number:	138/2013
Next Review Date:	August 2016 2020

POLICY

1. Definitions

Road Occupation Licence: means a licence to occupy the portion of pavement adjacent to the premises encroaching thereon.

2. Objective

The objective is to provide guidelines for the management of street vending and dining within the Meander Valley, taking into considerations the needs of pedestrians, shoppers

and business operators, to encourage a vibrant and enjoyable shopping precinct within townships.

3. Scope

Applies to all townships and shopping precincts within the Meander Valley.

4. Policy

In accordance with the controls set out in Section 21 of the Local Government (Highways) Act 1982 Council will support street dining and street vending in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a licence subject to the following:-

4.1. Method of Control

- Street dining and street vending is to be controlled by the issue of licences from Council, to be known as Road Occupation Licences, other than when a business undertakes either of these activities for less than 10 occasions per year.
- Licences are to specify the conditions of use outlined in this policy.
- For business providing on street dining, Licenses will only be issued to food premises complying with the Food Act 2003 requirements and can only be used on pavement immediately outside the premises.
- Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a licence and each licence is issued solely at Council's discretion.
- Licences may be terminated if guidelines are not complied with, following due warning for non-compliance.
- Licences will be issued or renewed annually from 1st July.

4.2 Road Occupation Licences

Council will issue successful applicants with a Road Occupation Licence that will be valid for one year from the commencement date. No fee will be charged by Council. The applicant will be responsible for applying to renew the licence on an annual basis.

4.3 Indemnity

Licence holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

A certificate of insurance must be produced which covers the term of the licence proposed, and must not be cancelled during the duration of the licence.

4.4 Operational Requirements

- All equipment, furniture and signs to be removed at cessation of each day's trading by the license holder including screens and support posts, footpath sockets to be plugged.
- Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- The licence holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- The licence holder must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to emptying waste bins, washing pavements on a daily basis, and promptly cleaning and washing away any liquid, food, debris, broken glass or waste from the area resulting from the activity.
- The existing street rubbish bins are not to be used by the licence holder for disposal of table waste.

4.5 Health and Other Regulations

- Food premises applying for a licence must have premises registered by Council's Environmental Health Officer under the Food Act 2003.
- Any other permits required by law must be obtained by the licence holder, who is also responsible to comply with other Council regulations.

4.6 Guidelines for Placement of Street Dining Furniture

- Street dining is permitted in two zones:-
 - Shopfront Zone: 1m wide parallel strip abutting and running the length of the shopfront
 - Kerb Zone: parallel strip running the length of the shopfront, 900mm back from the kerb.

A minimum clear width of 1.7m for pedestrians shall be maintained at all times between the two zones.

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs, a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

- No encroachment is allowed beyond the side boundaries of any property.
- No furniture is to be placed within 1m of any street furniture or street tree.
- The licence holder is responsible for maintaining the required clearances at all times.
- Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

4.7 Guidelines for Placement of Vending Equipment

- Street vending is only permitted in a 1m wide strip adjacent and parallel to the applicant's shopfront.
- No encroachment is allowed beyond the side boundaries of any property.
- No vending is allowed within 1m of any street furniture or street tree.
- The licence holder is responsible for maintaining the required clearances at all times.
- Notwithstanding the above, where clearances specified cannot be achieved, Council may allow street vending if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

4.8 Guidelines for Vending Equipment and Merchandise

- Vending equipment is to be of good quality in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of Council.
- Merchandise displayed by the licence holder is to be consistent with the type and quality of goods displayed in the licence holder's premises. All merchandise is to be properly contained on or within the vending equipment.

4.9 Furniture Design Parameters

- (i) Tables and Chairs
Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) finish to be durable and colour to be compatible with 'gunmetal' street furniture colour.

(ii) Screens

Screens defining the outer dining areas to be based on removable posts, set in sockets installed by Council at the applicants cost or secured to the satisfaction of Council. Posts and screen frames to be colour compatible with 'gunmetal' street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture. Details of posts and sockets are available from Council.

(iii) Umbrellas

Umbrellas to be of durable construction, designed for a public environment and set in approved weighted bases capable of maintaining hold-down in strong winds.

- Advertising logo or signs are not allowed on tables, however, logos only may be permitted on umbrellas, screens and chair backs.
- Special furniture or furniture not complying with guidelines may be submitted for consideration.

4.10 Guidelines for Portable Pavement Signs

- 2 signs are allowed per premises, or 1 per tenant where multiple tenants exist in a premises
- Signs must be securely anchored to the pavement or other stable objects
- Signs must be removed each night
- Signs can only be placed in shopfront zone and kerbside zone
- Signs must not exceed dimensions listed below
- Signs do not require a Road Occupation Licence

4.11 Signage Definition:

A sign not permanently attached to a building or structure or to the ground. It includes the following types:

A Frame

A sandwich board, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

T Frame

A board secured to a base, usually fronting business premises and usually displayed within the road reserve with a maximum height of 1.2 metres and a maximum width of 0.75 metres.

Menu Board

A sign (usually comprising a blackboard or casing in which posters or flyers can be displayed) designed to allow the advertising message to be readily changed and is not greater than 1 square metre in area.

Mobile

A freestanding sign which can be easily moved around a site and has a maximum height of 1.5 metres and maximum width of 1 metre.

4.12 Application Process

- An applicant is required to submit the following:-
 - a written application together with a plan to a suitable scale showing the size, number, colour and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - A copy of public liability insurance showing indemnity in favour of Council
- When all information has been received Council's Development Services Director will decide within (14) days to issue a licence. In the event of approval the applicant will have to meet all the requirements of the licence before commencement of street dining or street vending. Where an application is refused Council will provide grounds for refusal.
- In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.

5. Legislation

Local Government (Highways) Act 1982

Traffic Act 1925

Vehicle & Traffic Act 1999

6. Responsibility

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

DECISION:

Cr Mackenzie moved and Cr Connor seconded ***“that Council continues the existing Policy No. 72 – Street Dining and Vending, as follows:***

POLICY MANUAL

Policy Number: 72	Street Dining and Vending
Purpose:	To establish a Policy for the controlled management of street dining and vending within townships.
Department:	Development Services
Author:	Martin Gill, Director
Council Meeting Date:	9 August 2016
Minute Number:	176/2016
Next Review Date:	August 2020

POLICY

1. Definitions

Road Occupation Licence: means a licence to occupy the portion of pavement adjacent to the premises encroaching thereon.

2. Objective

The objective is to provide guidelines for the management of street vending and dining within the Meander Valley, taking into considerations the needs of pedestrians, shoppers and business operators, to encourage a vibrant and enjoyable shopping precinct within townships.

3. Scope

Applies to all townships and shopping precincts within the Meander Valley.

4. Policy

In accordance with the controls set out in Section 21 of the Local Government (Highways) Act 1982 Council will support street dining and street vending in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making an application for a licence subject to the following:-

4.1. Method of Control

- Street dining and street vending is to be controlled by the issue of licences from Council, to be known as Road Occupation Licences, other than when a business undertakes either of these activities for less than 10 occasions per year.
- Licences are to specify the conditions of use outlined in this policy.
- For business providing on street dining, Licenses will only be issued to food premises complying with the Food Act 2003 requirements and can only be used on pavement immediately outside the premises.
- Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a licence and each licence is issued solely at Council's discretion.
- Licences may be terminated if guidelines are not complied with, following due warning for non-compliance.
- Licences will be issued or renewed annually from 1st July.

4.2 Road Occupation Licences

Council will issue successful applicants with a Road Occupation Licence that will be valid for one year from the commencement date. No fee will be charged by Council. The applicant will be responsible for applying to renew the licence on an annual basis.

4.3 Indemnity

Licence holders are to hold a public and products liability insurance cover extending over the area designated for street vending or street dining. Council is to be named on the policy and cover must be to a minimum value of \$5 million.

A certificate of insurance must be produced which covers the term of the licence proposed, and must not be cancelled during the duration of the licence.

4.4 Operational Requirements

- All equipment, furniture and signs to be removed at cessation of each day's trading by the license holder including screens and support posts, footpath sockets to be plugged.
- Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- The licence holder must maintain street vending equipment and dining furniture in a clean condition and comply with the requirements of Council's Environmental Health Officer where relevant.
- The licence holder must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including but not limited to

emptying waste bins, washing pavements on a daily basis, and promptly cleaning and washing away any liquid, food, debris, broken glass or waste from the area resulting from the activity.

- The existing street rubbish bins are not to be used by the licence holder for disposal of table waste.

4.5 Health and Other Regulations

- Food premises applying for a licence must have premises registered by Council's Environmental Health Officer under the Food Act 2003.
- Any other permits required by law must be obtained by the licence holder, who is also responsible to comply with other Council regulations.

4.6 Guidelines for Placement of Street Dining Furniture

- Street dining is permitted in two zones:-
 - Shopfront Zone: 1m wide parallel strip abutting and running the length of the shopfront
 - Kerb Zone: parallel strip running the length of the shopfront, 900mm back from the kerb.

A minimum clear width of 1.7m for pedestrians shall be maintained at all times between the two zones.

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs, a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

- No encroachment is allowed beyond the side boundaries of any property.
- No furniture is to be placed within 1m of any street furniture or street tree.
- The licence holder is responsible for maintaining the required clearances at all times.
- Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

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4.8 Guidelines for Vending Equipment and Merchandise

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- Merchandise displayed by the licence holder is to be consistent with the type and quality of goods displayed in the licence holder's premises. All merchandise is to be properly contained on or within the vending equipment.

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- (i) Tables and Chairs
Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) finish to be durable and colour to be compatible with 'gunmetal' street furniture colour.
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- (iii) Umbrellas
Umbrellas to be of durable construction, designed for a public environment and set in approved weighted bases capable of maintaining hold-down in strong winds.
- Advertising logo or signs are not allowed on tables, however, logos only may be permitted on umbrellas, screens and chair backs.
- Special furniture or furniture not complying with guidelines may be submitted for consideration.

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Mobile

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4.12 Application Process

- An applicant is required to submit the following:-
 - a written application together with a plan to a suitable scale showing the size, number, colour and location of vending equipment and or tables and chairs, screens and other furniture proposed including photographs or other illustrations.
 - A copy of public liability insurance showing indemnity in favour of Council

- When all information has been received Council's Development Services Director will decide within (14) days to issue a licence. In the event of approval the applicant will have to meet all the requirements of the licence before commencement of street dining or street vending. Where an application is refused Council will provide grounds for refusal.
- In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.

5. Legislation

Local Government (Highways) Act 1982

Traffic Act 1925

Vehicle & Traffic Act 1999

6. Responsibility

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

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.

177/2016 ANNUAL PLAN QUARTERLY REVIEW – JUNE 2016

1) Introduction

The purpose of this report is for Council to consider the June quarterly review of the Annual Plan.

2) Recommendation

It is recommended that Council receive and note the Annual Plan review for the June 2016 quarter.

DECISION:

Cr King moved and Cr Mackenzie seconded *“that Council receive and note the Annual Plan review for the June 2016 quarter.”*

*The motion was declared **CARRIED** with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.*

178/2016 2016-2017 COMMUNITY GRANTS APPLICATION **ASSESSMENTS - ROUND 1 - JULY 2016**

1) Introduction

The purpose of this report is to present for Council approval, the recommendations of the Community Grants Committee for Community Grants Round 1.

2) Recommendation

It is recommended that Council:

- a) notes the Individual Sponsorships approved by the General Manager during the period April – July 2016; and***
- b) endorse the recommendations of the Community Grants Committee and approves the allocation of funds to the applicants as listed in the following table:***

Organisation	Project	Grant Recommended \$
Rotary - Central Launceston	Circus Quirkus	240*
Bracknell Cricket Club	Equipment for training & expansion	2,340
Carrick Park Pacing Club	Inside seating and tables	735
Deloraine Amateur Basketball Assoc.	Basketball uniforms	1,000
Launceston Touch Association	Game Day siren replacement	3,000
Prospect Junior Football Club Inc	Prospect Hawks/Hawthorn Short Film Project	500
Tasmanian Pony & Riding Club	Dressage Arena	3,000
Lions Club of Hadspen South Esk	Hadspen Community Notice Board	3,000
Veteran Car Club of Australia (Tas)	Peter Waddle Memorial Tour	300
Westbury Bowls Club Inc	Resurfacing Club floor	2,000
Westbury Cricket Club	Junior Cricket	2,510.05
Westbury RSL Sub Branch Inc	Cenotaph Militaria Upgrade	500
	Total	19,125.05

DECISION:

Cr Kelly moved and Cr Mackenzie seconded ***“that Council***

- a) **notes the Individual Sponsorships approved by the General Manager during the period April – July 2016; and**
- b) **endorse the recommendations of the Community Grants Committee and approves the allocation of funds to the applicants as listed in the following table:**

Organisation	Project	Grant Recommended \$
Rotary - Central Launceston	Circus Quirkus	240*
Bracknell Cricket Club	Equipment for training & expansion	2,340
Carrick Park Pacing Club	Inside seating and tables	735
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Launceston Touch Association	Game Day siren replacement	3,000
Prospect Junior Football Club Inc	Prospect Hawks/Hawthorn Short Film Project	500
Tasmanian Pony & Riding Club	Dressage Arena	3,000
Lions Club of Hadspen South Esk	Hadspen Community Notice Board	3,000
Veteran Car Club of Australia (Tas)	Peter Waddle Memorial Tour	300
Westbury Bowls Club Inc	Resurfacing Club floor	2,000
Westbury Cricket Club	Junior Cricket	2,510.05
Westbury RSL Sub Branch Inc	Cenotaph Militaria Upgrade	500
	Total	19,125.05

Cr Synfield arrived at the meeting at 1.44pm

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, Temple and White voting for the motion.

179/2016 REVIEW OF POLICY NO 77 - RATES AND CHARGES

1) Introduction

The purpose of this report is to present the revised Rates and Charges policy to Council for adoption as required under the Local Government Act 1993 (Act).

2) Recommendation

It is recommended that Council adopts the amended Rates and Charges policy as follows:

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 (the Act).

Department:

Corporate Services

Author:

Malcolm Salter, Director

Council Meeting Date:

9 August 2016

Minute Number:

136/2012

Next Review Date:

No later than **August 2020** 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' AND 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 and goals

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 the majority of the 29 Tasmanian councils choose this basis of valuation for rating purposes. 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 effect. 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 a larger 140 litre size mobile garbage bin.

Council will consider introducing urban stormwater service rates and charges in 2017-18 for properties in urban areas benefitting from such services.

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.

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 principle 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(d)*

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

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.

If a ratepayer does not pay the rates on his or her property, Council will 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 the 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

6. Responsibility

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

DECISION:

Cr Mackenzie moved and Cr Temple seconded ***“that Council adopts the amended Rates and Charges policy as follows:***

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 (the Act).

Department: Corporate Services
Author: Malcolm Salter, Director
Council Meeting Date: 9 August 2016
Minute Number: 179/2016
Next Review Date: No later than **August 2020** 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' AND 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

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

4. Policy

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- 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

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- the statutory obligations as outlined in the Act;
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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 a larger 140 litre size mobile garbage bin.

Council will consider introducing urban stormwater service rates and charges in 2017-18 for properties in urban areas benefitting from such services.

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.

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 principle 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(d)

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

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.

If a ratepayer does not pay the rates on his or her property, Council will 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 the 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

6. Responsibility

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

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, Temple and White voting for the motion.

ITEMS FOR CLOSED SECTION OF THE MEETING:

Councillor Mackenzie moved and Councillor King seconded ***“that Council move into Closed Sessions to discuss the following items.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Synfield, Temple and White voting for the motion.

The meeting moved into Closed Session at 1.49pm

Cr Synfield left the meeting at 2.27pm

180/2016 CONFIRMATION OF MINUTES OF THE CLOSED SESSION OF THE ORDINARY COUNCIL MEETING HELD ON 12 JULY, 2016.

181/2016 CONTRACT NO 175-2016-17 - DESIGN AND CONSTRUCTION OF BRIDGE NO. 782, LIENA ROAD, LIENA

(Reference Part 2 Regulation 15(2)(d) Local Government (Meeting Procedures) Regulations 2015)

182/2016 CONTRACT NO. 173 – 2016/17 - DESIGN AND CONSTRUCTION CONTRACT FOR SPORTS FIELD PLAYING SURFACE IMPROVEMENTS AT PROSPECT VALE PARK

(Reference Part 2 Regulation 15(2)(d) Local Government (Meeting Procedures) Regulations 2015)

183/2016 LEAVE OF ABSENCE

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

184/2016 APPOINTMENT OF GENERAL MANAGER

(Reference Part 2 Regulation 15(2)(g) Local Government (Meeting Procedures) Regulations 2015)

Cr Mackenzie moved and Cr King seconded ***“that Council move out of Closed Session and endorse those decisions taken while in Closed Session.”***

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.

The meeting re-opened to the public at 2.41pm

Cr Mackenzie moved and Cr Connor seconded "***that the following decisions were taken by Council in Closed Session and are to be released for the public's information:-***

That Council awards Contract No 175-2016/17 for the design and construction of the Liena Road bridge to TasSpan Pty Ltd.

That Council's Contract No 173-2016/17 for the playing surface improvements on the AFL Ground at Prospect Vale Park be awarded to Total Turf Care.

That Council appoints Martin Gill as General Manager of Meander Valley Council."

The motion was declared CARRIED with Councillors Connor, Kelly, King, Mackenzie, Perkins, Richardson, Temple and White voting for the motion.

The meeting closed at 2.42 pm

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CRAIG PERKINS (MAYOR)