



BURNIE
CITY COUNCIL

MINUTES

Special Meeting

TUESDAY, 25 JUNE 2019

7.00PM

CITY OFFICES, 80 WILSON STREET, BURNIE

ORDER OF BUSINESS

OPEN SESSION

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**MINUTES OF THE OPEN SESSION SPECIAL MEETING
OF THE BURNIE CITY COUNCIL
HELD AT THE CITY OFFICES ON TUESDAY, 25 JUNE 2019**

HOUR: 7.01 pm – 7.06 pm

TIME OCCUPIED: 5 minutes

PRESENT: Mayor S Kons, Deputy Mayor G Simpson, Cr A Boyd, Cr T Brumby, Cr T Bulle, Cr K Dorsey, Cr C Lynch, Cr D Pease.

Officers in Attendance:

General Manager (A Wardlaw), Director Community and Economic Development (R Greene), Manager – Engineering Services (R Sharman), Executive Manager Corporate Finance (M Smith) and Executive Manager Corporate Governance (M Neasey).

APOLOGIES: Cr A Keygan was previously granted a leave of absence at the meeting held on 18 June 2019.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor commenced the Open Session with the Acknowledgement of Country.

The Burnie City Council acknowledges Tasmanian Aborigines as the traditional owners of the land on which we are meeting and on which this building stands.

AO182-19 COUNCIL ALDERMAN DECLARATIONS OF INTEREST

The Mayor requested Councillors to declare any interest that they or a close associate may have in respect of any matter appearing on the agenda.

There were no declarations of interest.

CORPORATE AND BUSINESS SERVICES**AO183-19 ANNUAL PLAN AND BUDGET ESTIMATES 2019/20**

FILE NO: 13/5/19
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4	A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1	Ensure a long term strategic focus drives financial policy and decisions.

1.0 RECOMMENDATION:

“THAT Council adopt the following 2019-2020 Annual Plan and Budget Estimate resolution:

Adoption of Annual Plan

- 1.1 In accordance with Section 71 of the *Local Government Act 1993* (as amended), Council adopts the Annual Plan for the 2019/20 and instructs the General Manager to:
- 1.1.1 make a copy of the Annual Plan available for public inspection at the Council office; and
 - 1.1.2 provide a copy of it to the Director of Local Government and to the Director of Public Health.

2. Adoption of Annual Estimates

- 2.1 In accordance with Section 82 of the *Local Government Act 1993* (as amended), the Council, by absolute majority, adopts the estimates of revenue and expenditure (including estimated capital works) as detailed in the 2019/20 Annual Plan and Budget Estimates.

3. Rates Resolution

- 3.1 In accordance with the provisions of the *Local Government Act 1993* (as amended) and the *Fire Services Act 1979* the Council makes the following Rates and Charges for land within the Council’s municipal area for the period 1 July 2019 to 30 June 2020.

- 3.1.1. Definitions Used in this Resolution

- (a) "AAV" means the assessed annual value for the land;
- (b) "land" means land as defined in Section 86 of the *Act*.
- (c) "primary production" means land that is shown as primary production (L), in the list of valuations prepared by the Valuer General pursuant to the provisions of the *Valuation of Land Act 2001*;
- (d) "the *Act*" means the *Local Government Act 1993*;
- (e) "R6" means the Valuation Property Classification for institutional residential accommodation;
- (f) "residential purposes" means land that is shown as residential (R), in the list of valuations prepared by the Valuer General pursuant to the provisions of the *Valuation of Land Act 2001*;
- (g) "Separately occupied tenement" means any land in relation to which the Valuer General has separately determined assessed annual values having regard to occupation or construction of the land or improvement or structural alterations made in it;
- (h) "vacant land" means land that is shown as vacant (V) in the list of valuation prepared by the Valuer General pursuant to the provisions of the *Valuation of Land Act 2001*;
- (i) Terms used in this resolution have the same meaning as given to them in Part 9 of the *Act*, unless it is inconsistent with the context of this resolution.
- (j) "Multiple dwelling" means a dwelling containing more than one separately occupied tenement where that dwelling does not have a separate title.

3.2 General Rate

- 3.2.1 In accordance with the provisions of Section 90 of the *Act* Council makes a general rate of 10.4000 cents in the dollar of AAV on all land (excluding land which is exempt pursuant to the provisions of section 87 of the *Act*) within the Burnie municipal area subject to a minimum amount payable of \$260.
- 3.2.2 In accordance with the provisions of Section 107(1) of the *Act*, and by absolute majority, the Council declares that the general rate is varied within the municipal area and within different

parts of the municipal area of Burnie according to the following factors:-

- (a) the use or predominant use of the land and in particular the following variations are made:-
 - (i) for all land which is used for residential purposes the general rate is varied by decreasing it to 8.0415 cents in the dollar of the AAV;
 - (ii) for all land which is used for primary production the general rate is varied by decreasing it to 10.0226 cents in the dollar of the AAV;
- (b) the locality of land and in particular:-
 - (i) within the hatched area shown on the attached location map marked "Central Burnie" (**the Location**) for all land that is used for a commercial or industrial purpose the general rate is varied by increasing it to 11.9776 cents in the dollar AAV. Land that is used for residential purposes within the Location is to be rated in accordance with 3.2.2(a)(i). Vacant use of land within the Location is to be rated in accordance with 3.2.1;

3.3 Service Rates and Charges

3.3.1 In accordance with the provisions of Section 93 and 94 of the Act Council makes:

- (a) A waste management charge levied as follows:
 - (i) \$121.00 on all land for municipal waste management services provided in the municipal area (other than the kerbside collection).
 - (ii) \$297.00 on all land to which the Council provides a kerbside collection service.
- (b) A Stormwater Removal Service Rate for stormwater removal of 1.7599 cents in the dollar AAV on all land, except residential and vacant land, within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts; with a minimum amount payable of

\$76.

(c) A Stormwater Removal Service Charge of \$76 for stormwater removal on residential land, vacant land and each separately occupied tenement within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts.

(d) A general fire protection rate of 0.4018 cents in the dollar AAV on all land in the municipal area with a minimum amount payable of \$41 for all land. (The Rating Districts are the areas so declared and named under Section 74A of the *Fire Service Act 1979*).

3.3.2 In accordance with the provisions of Section 107(1) of the Act, and by absolute majority, the Council declares that the general fire protection rate is varied within the municipal area and within different parts of the municipal area of Burnie according to the following factors;

(a) the locality of the land:

(i) for land within the Burnie Composite Brigade Rating District the general fire protection rate is varied by increasing it to 1.4182 cents in the dollar AAV;

(ii) for land within the Ridgley Volunteer Brigade Rating District the general fire protection rate is varied by increasing it to 0.4186 cents in the dollar AAV.

3.4 Remissions

3.4.1 In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the stormwater removal rate or charge if:

(a) A ratepayer has applied in accordance with Section 129(2) of the Act; and

(b) the applicant has satisfied the General Manager that the remission of stormwater removal rate or charge should be granted on the basis that the property has no ability to connect to the stormwater system.

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majority, Council grants a remission of the Waste Management Charge if:

- (a) A ratepayer has applied in accordance with Section 129(2) of the *Act*; and
- (b) the applicant has satisfied the General Manager that the remission of the Waste Management Charge should be granted on the basis that collection is impractical due to limited presentation space at kerbside or insufficient storage space within the property.

3.4.3 In accordance Section 129(4) of the *Act*, and by absolute majority, the Council grants the following remission of rates.

- (a) For all land to which the Council does not provide a garbage collection service a remission of \$223.00 is to be granted;
- (b) For all land to which the Council does not provide a recycling service a remission of \$74.00 is to be granted.

3.5. Payment Options

3.5.1 Due Dates

In accordance with the provisions of Section 124 of the *Act* Council determines that all rates and charges are payable by four instalments, (calculated to the nearest cent) the due date by which they are to be paid being:

1st Instalment - 31 August 2019

2nd Instalment – 30 November 2019

3rd Instalment – 29 February 2020

4th Instalment – 31 May 2020

3.5.2 Discount for Early Payment

In accordance with the provisions of Section 130 of the *Act* Council will provide a discount of 2.5% of the total current rates and charges specified in a rates notice applying to all the rates and charges for the financial year 2019/20 and any arrears are paid by 5.00 pm, 31 August 2019 and providing all arrears of

rates and charges are paid.

3.5.3 Defaults and Penalties

- (a) In accordance with the provisions of Section 124(5) of the *Act* if a ratepayer fails to pay any instalment within 21 days of the date on which the instalment is due, the ratepayer is to immediately pay the full amount of the unpaid rates and charges.
- (b) In accordance with the provisions of Section 128(2) if any rates and charges or instalment of rates and charges are not paid on or before the date they fall due, then daily interest charged monthly, at the prescribed percentage, is payable from the date they fell due to the date of payment.

3.6 Supplementary Rates

- 3.6.1 In accordance with the provisions of Section 92 of the *Act* Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.

4. Fees and Charges

- 4.1 In accordance with Section 205 of the *Act*, and other relevant Acts as detailed in the fees and charges schedule, the Council imposes the fees and charges within the Annual Plan and Budget Estimates 2019/20 financial year with increases being effective from 1 July 2019 and otherwise as stated in the schedule.

5. Waste Vouchers

- 5.1 Council authorises the General Manager to provide each separately occupied tenement with four green waste vouchers and four general waste vouchers.

6. Loan Borrowings

- 6.1 Council authorises the General Manager in absolute majority to negotiate a debenture loan of \$1.2 million in accordance with Section 78 of the *Act*.



RATING RESOLUTION CBD

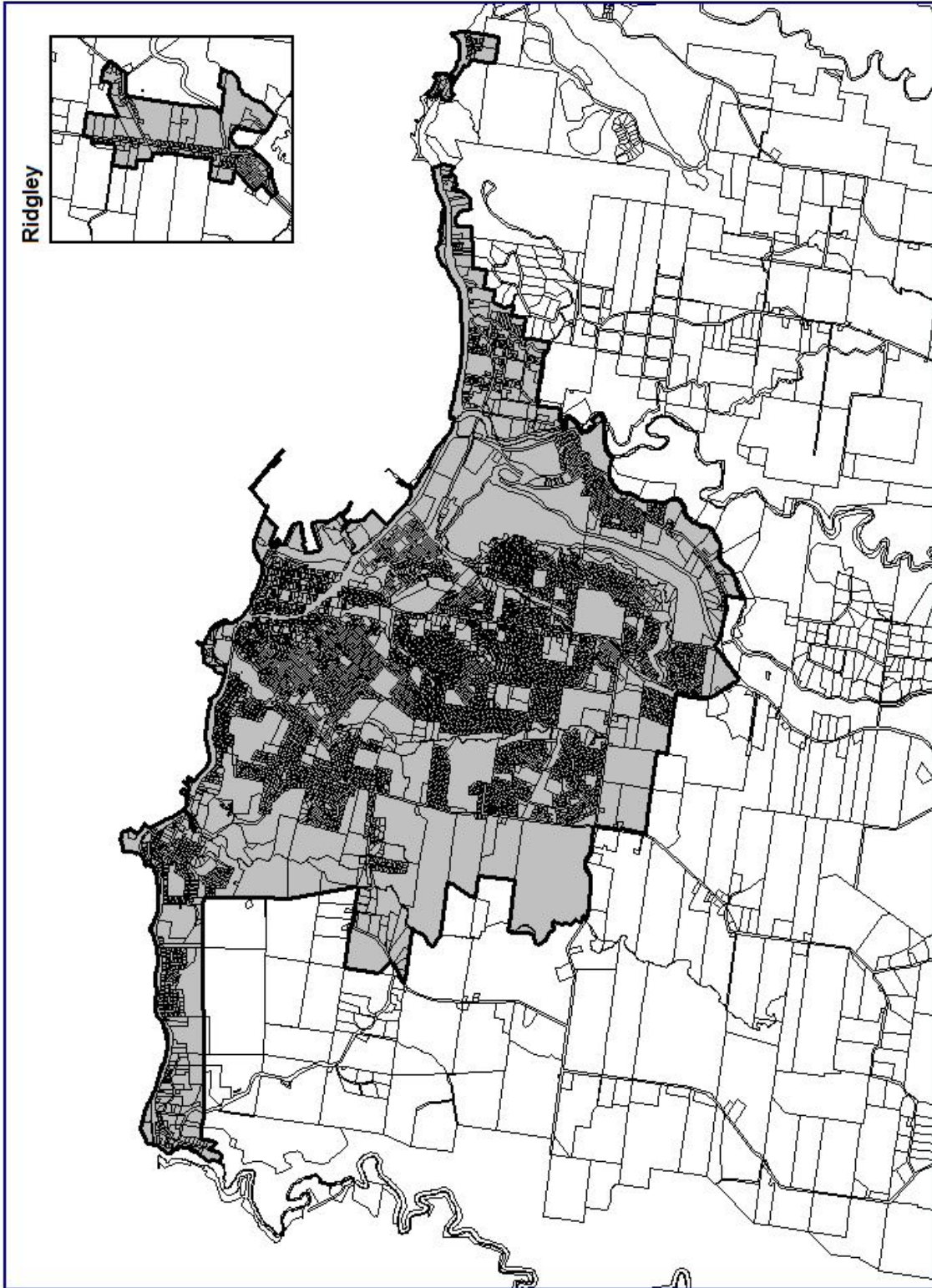


PLOT CREATED
11/06/2013

DISCLAIMER
Original data captured from aerial photography 1996
therefore may not truly represent current features.
This plan shows GIS data time of printing.
Please report erroneous data to Infrastructure Services.



Ridgley



Burnie and Ridgley Water and Sewer Districts

2.0 SUMMARY

The 2019/20 Annual Plan and Budget Estimates included in this agenda (under separate cover) are presented to Council for consideration.

The document has been prepared in consultation with Councillors and staff over the past four months. Following the adoption of the estimates by absolute majority, arrangements will be made to raise and issue rates for the 2019/20 financial year.

3.0 BACKGROUND

The preparation of the estimates begins with Officers preparing the operating and capital components of the annual estimates during March and April. Draft estimates are then prepared and various options are considered by Council at informal briefings (workshops) during April and May.

The estimates must be adopted by an absolute majority. They must be adopted before 31 August but not more than one month before the start of the relevant financial year. The related Annual Plan must be provided to the Director of Local Government and the Director of Public Health.

4.0 LEGISLATIVE REQUIREMENTS

The document has been prepared in accordance with the provisions of the *Local Government Act 1993* (as amended).

The *Local Government Act 1993* specifically outlines the responsibility for Council in relation to the preparation, adoption and implementation of its Annual Plan and Budget as follows:

71. Annual plan

- (1) *A council is to prepare an annual plan for the municipal area for each financial year.*
- (2) *An annual plan is to-*
 - (a) *be consistent with the strategic plan; and*
 - (b) *include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and*
include a summary of the estimates adopted under section 82; and
include a summary of the major strategies to be used in relation to the council's public health goals and objectives.
- (3) *As soon as practicable after a council adopts an annual plan, the general manager is to –*
 - (a) *make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and*

- (b) *provide the Director and the Director of Public Health with a copy of the annual plan.*

82. Estimates

- (1) *The General Manager must prepare estimates of the council's revenue and expenditure for each financial year.*
- (2) *Estimates are to contain details of the following:*
- (a) *the estimated revenue of the council;*
 - (b) *the estimated expenditure of the council;*
 - (c) *the estimated borrowings by the council;*
 - (d) *the estimated capital works of the council*
 - (e) *any other detail required by the Minister.*
- (3) *Estimates for a financial year must –*
- (a) *be adopted by the council, with or without alteration, by absolute majority; and*
 - (b) *be adopted before 31 August in that financial year; and*
 - (c) *not be adopted more than one month before the start of that financial year.*
- (4) *A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.*

A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered

A council, by absolute majority, may authorise the General Manager to make minor adjustments up to specified amounts to individual items within any estimate referred to in subsection (2) so long as the total amount of the estimate is not altered

The General Manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.

Part 9 of the *Local Government Act 1993* is also applicable to Council's consideration of this report, as this section specifically deals with rating provisions. Due to the extent of the rating provisions included within the *Act* it was considered inappropriate to include within this report specific extracts. Should any Councillors wish to view the rating provisions referred to in the recommendations, arrangements can be made for their provision.

5.0 POLICY CONSIDERATIONS

The Financial Management Strategy (FMS) has been developed to provide Burnie City Council with a strategic framework when developing budgets for the next ten-year period. The key objective of the FMS is to demonstrate and maintain financial sustainability in the medium and long term whilst achieving the strategic objectives of Council.

The budget estimates have been prepared while recognising the strategies that have been set by Council in the ten year Financial Management Strategy (FMS). Council and staff have worked hard to successfully deliver a budget consistent with the targets and philosophies contained in the FMS to ensure that the Council is fiscally responsible and sustainable.

6.0 FINANCIAL IMPACT

This budget achieves a modest underlying surplus of \$0.002m. Council aims to only raise the income it needs to cover its expected expenses.

The budget demonstrates that Council's liquidity will continue to be strong and will be able to meet its financial obligations comfortably.

7.0 DISCUSSION

Council is committed to operating in a financially sustainable manner and maintains a long-term Financial Management Strategy (FMS). The FMS is used to guide decision making throughout the budget deliberation process and sets the parameters of what the community can afford.

Council and staff have worked hard to successfully deliver a budget consistent with the FMS, including the third year or a five year strategy to reduce the level of rates in Burnie.

Rates and Charges

The 2020 Annual Plan and Budget Estimates include the 1% target reduction in property rates and charges levied by Council.

Council is the collection agency on behalf of the State Fire Commission. The levies pay for fire protection services. The extent of the savings to ratepayers has been reduced through the state government's decision to raise fire levies by 6.06%.

While provision has been made for a 1% reduction in rates income (excluding fire levy) the actual rates and charges for individual properties will vary due to the Valuer General conducting a municipal revaluation in 2018-19.

While Council's differential rating policy has smoothed out some of the valuation movements, there is still some significant movements in valuations within different property classes.

Financial Position

Council's financial position continues to be strong and Council will be well placed to meet its commitments comfortably. The net worth of Council as at 30 June 2020 is expected to be \$406,471m.

Capital Works

The Capital Works Program for 2019/20 has a focus on renewing Councils existing infrastructure at desired condition levels. Council has allowed for borrowings of \$1.2 million to partially fund its capital works program.

Long Term Financial Targets

Strategies are measured by the setting of medium term targets. The following targets have been determined to be appropriate in measuring Council’s sustainability and the achievements of Council’s FMS:-

- To reduce rate revenue in Burnie to close the “rates per capita” gap against the state average while maintaining acceptable service levels
- To achieve an operating margin of 1.00
- To maintain a current ratio above 1.10

If decisions maintain the ability to meet the targets, the organisation will show strong financial sustainability into the future.

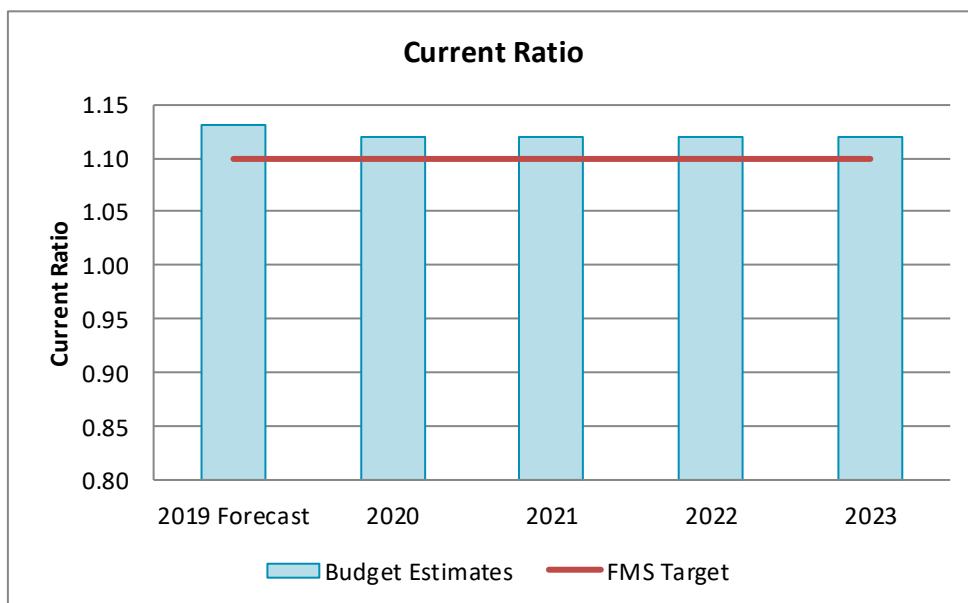
Council’s Liquidity

The current ratio measures the liquidity of Council. That is, Council’s ability to meet its debt and financial obligations as they fall due. A ratio of 1.00 or more indicates that there is enough cash and liquid assets to cover short-term liabilities.

Influencing factors are planning and budgetary control, timing of the completion of the capital works program, timing of cash flows and credit policies and collection of debts.

The FMS benchmark is 1.10 which is a measure of Council’s capacity to meet its short term financial obligations. A benchmark of greater than one indicates that council’s short term assets are greater than its short term liabilities.

In all years, Council is projected to exceed the benchmark set by the FMS demonstrating that through good management and planning Council will be able to meet all short-term liabilities comfortably.



Source: Appendix B – Estimated Financial Statements

Operating Sustainability

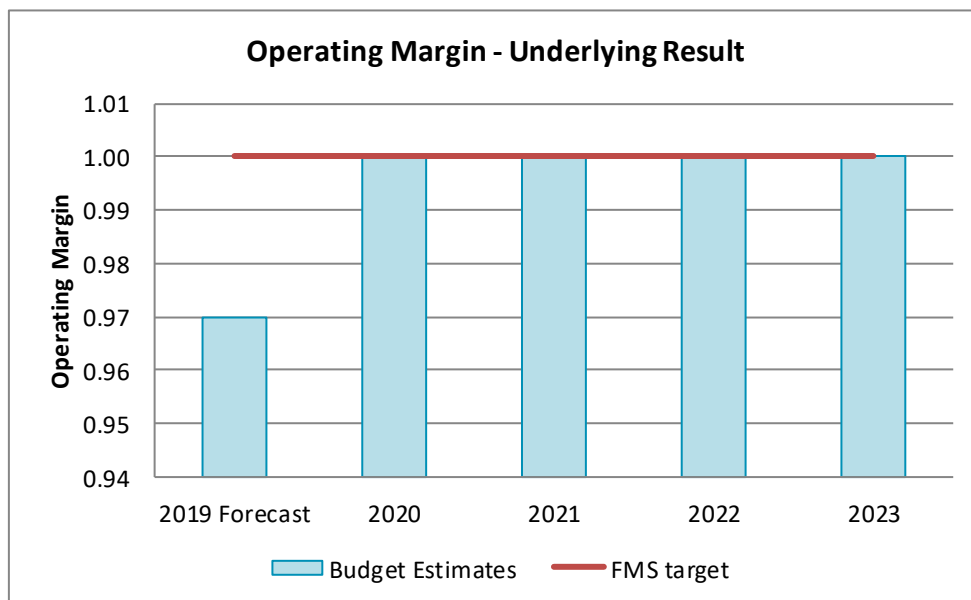
The operating margin serves as an overall measure of operating effectiveness. A result less than 1.00 indicates an operating deficit. The operating margin benchmark for Council is 1.00

which is the point where recurring income is equal to recurring expenditures which means that the rates and charges people are paying is equal the cost of providing existing levels of service.

An operating margin below the benchmark would indicate that Council might not be generating sufficient revenue to fulfil its operating requirements. Council seeks to achieve equity across generations by recognising that each generation must pay its way with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes).

Council recognised the importance of balancing rate increases with capacity of the ratepayer to pay. The overall objective when preparing this budget was to contain costs to an affordable level for the community.

The following graph shows Council’s operating budget is sustainable into the future with its recurrent expenditure fully funded from recurrent income.

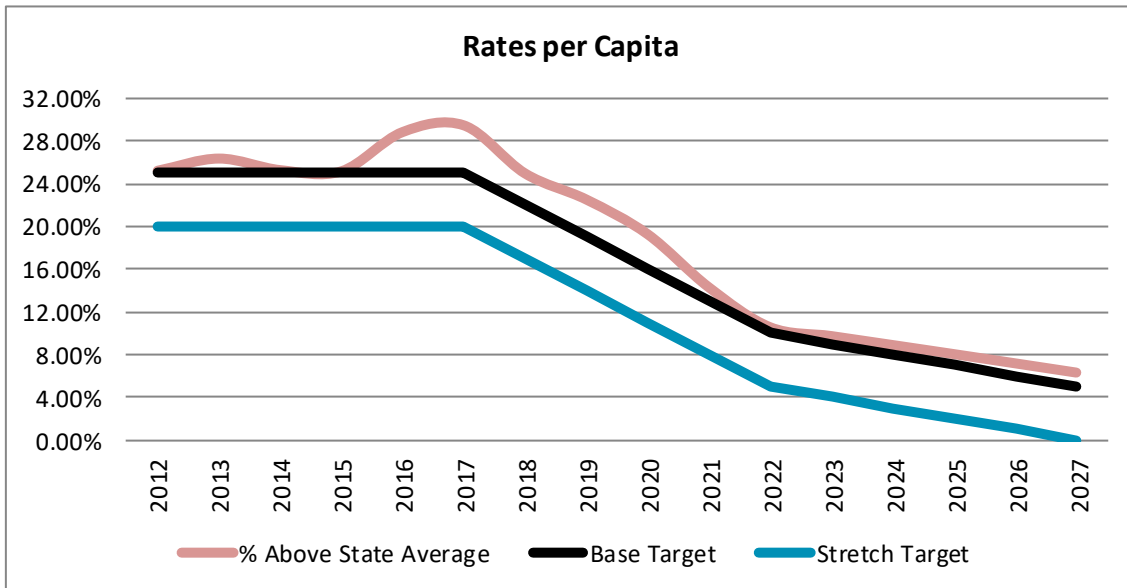


Source: Appendix B – Estimated Financial Statements

A reduction in Council rates and charges of 1% per annum for the next 3 years has been included in the FMS. This is exclusive of state government fire levy and any redistributive effects of revaluations. In order to achieve this and maintain financial sustainability, Council has also introduced ambitious operational savings targets which sets a clear Council led agenda to review operations to reduce net cost while maintaining acceptable levels of service to the community.

Council has adopted a budget that is consistent with its 5 year strategy achieving its operational savings target in Year 3 in order to deliver Council rate reductions of 1%. The Annual Plan and Budget for 2019/20 includes a reduction in property rates levied by Council by 1%.

This outcome demonstrates Council’s commitment to keeping the cost of services to the community as low as possible whilst maintaining financial sustainability and ensuring the ongoing ability to deliver services to the community.



Source: Appendix B – Estimated Financial Statements

8.0 RISK

The adoption of the Annual Plan and Budget Estimates reduces the risk to Council of non-compliance with legislation. By not adopting the document at this meeting the levying of Council’s rates revenue may be at risk of being delayed.

9.0 CONSULTATION

Council has reviewed the document extensively through a number of workshops held throughout March, April, May and June.

ATTACHMENTS

Annual Plan and Budget Estimates 2019/20 (provided under separate cover due to size).

COUNCIL RESOLUTION

Resolution number: MO187-19

MOVED: *Cr G Simpson*

SECONDED: *Cr D Pease*

“THAT Council adopt the following 2019-2020 Annual Plan and Budget Estimate resolution:

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Location) for all land that is used for a commercial or industrial purpose the general rate is varied by increasing it to 11.9776 cents in the dollar AAV. Land that is used for residential purposes within the Location is to be rated in accordance with 3.2.2(a)(i). Vacant use of land within the Location is to be rated in accordance with 3.2.1;

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Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.

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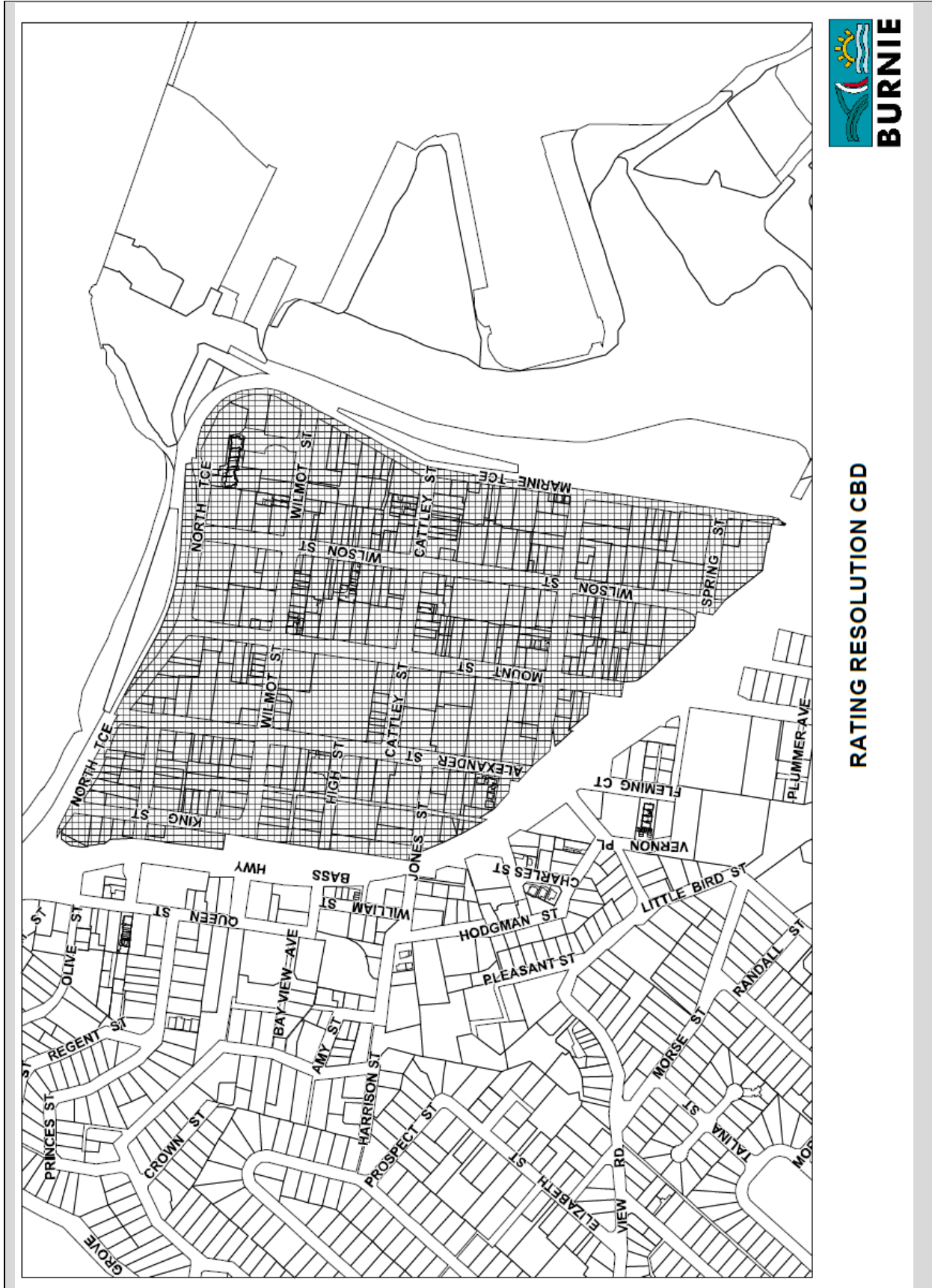
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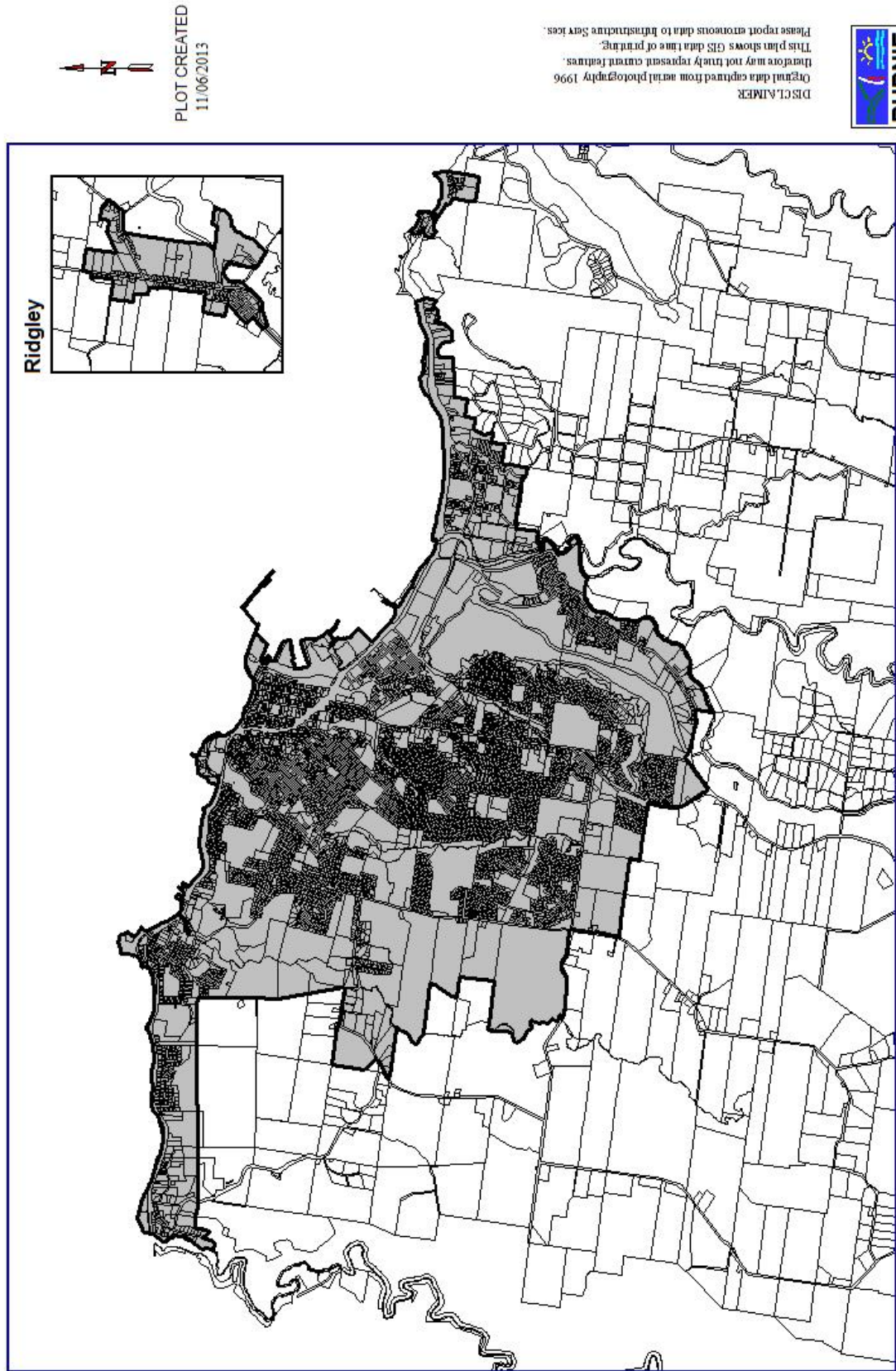
- 5.1 Council authorises the General Manager to provide each separately occupied tenement with four green waste vouchers and four general waste vouchers.

6. Loan Borrowings

- 6.1 Council authorises the General Manager in absolute majority to negotiate a debenture loan of \$1.2 million in accordance with Section 78 of the *Act*.



RATING RESOLUTION CBD



For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

CORPORATE AND BUSINESS SERVICES**AO184-19 POLICY REVIEW - RATES AND CHARGES POLICY CP-CBS-SG-004**

FILE NO: 4/14/2
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4	A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1	Ensure a long term strategic focus drives financial policy and decisions.

1.0 RECOMMENDATION:

“THAT Council adopt the revised Rates and Charges Policy CP-CBS-SG-004, as presented.”

2.0 SUMMARY

Council’s current *Rates and Charges Policy* CP-CBS-SG-004, dated 15 May 2018 has been reviewed and Council officers present a copy of the policy for Council adoption.

3.0 BACKGROUND

The *Local Government Act 1993* provides a variety of tools for Council to raise its rates and Council uses those tools in a way that is suitable to its municipal area.

The *Act* requires Council to have a rates and charges policy in order to provide transparency and better educate their communities about how revenue is raised. The document gives ratepayers detailed information in relation to Council’s rating practices and the rationale behind its rating decision-making.

4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* requires Councils to implement a rates and charges policy. The relevant sections of the *Act* are as follows:-

86A. General principles in relation to making or varying rates

- (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
- (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
 - (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*

-
- (2) *Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.*
- 86B. Rating and charging policies to be made available to public**
- (1) *A council must adopt a rates and charges policy by 31 August 2012.*
- (2) *A council's rates and charges policy must contain –*
- (a) *a statement of the policy that the council intends to apply in exercising its powers, or performing its functions, under this Part; and*
- (b) *a statement of policy in respect of prescribed matters, if any.*
- (3) *A council's rates and charges policy in relation to the making or varying of a rate must take into account the principles referred to in section 86A(1).*
- (4) *A council must review its rates and charges policy –*
- (a) *by the end of each successive 4-year period after 31 August 2012; and*
- (b) *at the same time as, or before, making a type of rate, charge or averaged area rate in respect of a financial year, if a rate, charge or averaged area rate of that type was not made in respect of the previous financial year; and*
- (c) *at the same time as, or before, making under [section 107](#) a variation of a rate or charge in respect of a financial year, if such a variation of that rate or charge was not made in respect of the previous financial year; and*
- (d) *at the same time as, or before, setting a minimum amount under this Part; and*
- (e) *at the same time as, or before, altering the circumstances in which a rate, charge or averaged area rate, or a variation of a rate or charge, is to apply to rateable land.*
- (5) *A council, as soon as reasonably practicable after adopting or altering its rates and charges policy, must make copies of the policy as so adopted or altered available to the public –*
- (a) *in paper form, on payment of a reasonable charge; and*
- (b) *in electronic form, at a website of the council, free of charge.*
- (6) *A rate, averaged area rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.*

5.0 POLICY CONSIDERATIONS

Upon adoption the attached policy supersedes Council's current policy *Rates and Charges Policy CP-CBS-SG-004*, dated 15 May 2018.

The policy is consistent with Council's Financial Management Strategy, the proposed Annual Plan and Budget Estimates, and the proposed Rating Resolution for 2019/20.

6.0 FINANCIAL IMPACT

Council has allowed for the effects of this policy in the proposed Annual Plan and Budget Estimates for 2019/20.

7.0 DISCUSSION

Council's role is to provide services that meet the needs and expectations of the community. To fund these services Council must set appropriate levels of tax to fulfil its roles and responsibilities.

The purpose of this policy is to outline Council's approach to determining and collecting rates from the community and to provide transparency to the community about how Council makes decisions in relation to setting its annual rates and charges and how Council distributes the tax burden across the community.

The rating strategy is in line with Council's recently adopted Financial Management Strategy target to reduce Council rates and charges to the community over 3 years of 1% per annum. This is exclusive of state government fire levy and any redistributive effects of revaluations.

8.0 RISK

If not adopted, Council's existing Rates and Charges Policy will not reflect Council's current rating practice and planned rating practice for the 2019/20 financial year.

The adoption of the revised policy will ensure compliance with the *Local Government Act 1993*.

9.0 CONSULTATION

Changes to Council's rating structure were discussed with Councillors during Council's budget deliberations.

ATTACHMENTS

1. Rates and Charges Policy CP-CBS-SG-004 - Revised Draft

COUNCIL RESOLUTION

Resolution number: MO188-19

MOVED: Cr A Boyd

SECONDED: Cr C Lynch

"THAT Council adopt the revised Rates and Charges Policy CP-CBS-SG-004, as presented."

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



COUNCIL POLICY

Rates and Charges Policy (Draft)

Approved By: **Council**
Doc Controller: **Executive Manager**
Corporate Governance
File: 4/14/2

Document Code: **CP-CBS-SG-004**
Version: **9.0**
Approved Date: **TBC**
Next Review Date: **30 Jun 2020**

1 PURPOSE

The purpose of this policy is to outline Council's approach to determining and collecting rates from the community.

2 OBJECTIVE

To provide transparency to the community about how Council makes decisions in relation to setting its annual rates and charges and how Council distributes the tax burden across the community.

3 SCOPE

This policy covers:-

- Rating Strategy
- Council's Revenue Raising Powers
- Property Valuation Base
- General Rates
- Minimum General Rate Payable
- Exemptions from General Rate
- Services Rates and Charges
- Remissions and Discounts
- Supplementary Valuations
- Payment of Rates
- Objection Rights

4 POLICY**4.1 Rating Strategy**

Council ensures it only raises the revenue it needs, and does so in the most efficient and equitable manner possible. Council must balance its service levels with the needs and expectations of the community and set appropriate levels of tax to adequately fulfil its roles and responsibilities.

The aim of rates and charges decision-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay.

When considering how the rate burden will be distributed, Council must balance capacity to pay with the benefit principle acknowledging that there are some groups of the community that have more access to and benefit from specific services.



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To achieve this balance Council has established a rating structure comprising of two key elements – general and service rates.

The general rates are levied based on the Annual Assessed Value (AAV) of properties determined by the Valuer General. Property values generally reflect the capacity of the ratepayer to pay.

The service rates are a user pays component and currently covers stormwater and waste management services. Services charges are designed to reflect payment based on access or usage of services provided by Council.

Rates per Capita

In determining its rates each Council gives consideration to the current economic climate and the capacity of the community to pay for services.

Burnie is a regional centre and Council provide a broad range of services relative to its population. As such, rates are currently higher than the state average. Council will actively work to close the “rates per capita” gap in Burnie against the state average while maintaining acceptable service levels.

Council will work toward reducing rates to the community over 5 years. This is exclusive of state government fire levy and any redistributive effects of revaluations. In order to achieve the rating relief and maintain financial sustainability, Council will also work towards reducing costs through the continual review of its operations.

4.2 Council’s Revenue Raising Powers

The Local Government Act 1993 provides for a Council to raise revenue for the purposes of providing broad services to the community. The Act provides numerous tools for Councils to raise rates in a way that it deems most suitable for its own municipal area.

Every year Council makes a rates resolution at the time of adopting its Annual Plan and Budget Estimates outlining how the rates burden will be distributed across the community.

4.3 Property Valuation Base

The Valuer-General is required to establish and maintain the Valuation Roll and to revalue each valuation district within a seven-year period as detailed in the Valuations of Land Act 2001.

The revaluations program has been established and a six-year cycle has been agreed with one-third of Councils being revalued every two years.

	COUNCIL POLICY		
	Rates and Charges Policy (Draft)		
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File:	4/14/2	Next Review Date:	30 Jun 2020

The valuations undertaken by the Valuer-General are important for ratepayers because Council must by law use the valuation data in order to levy its rates. Property values are generally considered a reasonable proxy for assessing a ratepayer's capacity to pay.

Council has the option of choosing one of the following three bases to calculate its rates and charges:-

- Land Value
- Capital Value; or
- Assessed annual value (AAV)

Council, along with most other Councils in Tasmania, use the AAV for calculating its rates and charges (with the exception of fixed charges). The AAV is the estimated rental value of the property or four percent of the capital value of the property (whichever is greater). AAV adjustment factors are issued by the Valuer General every two years in an attempt to ensure property assessments closely reflect changes in the property market.

4.4 General Rates

The general rate is calculated on a cent in the dollar amount, based on the AAV of a property. The general rate pays for general services including:-

- Sporting facilities and recreation grounds
- Roads, streets, kerb and channel, footpaths, street furniture, and street lighting
- Parks and reserves
- Public buildings including halls and amenities
- Burnie Aquatic Centre
- Environmental services, land use, building and development control, animal control and cemeteries
- Burnie Arts and Function Centre
- Burnie Regional Art Gallery
- Burnie Regional Museum
- Visitor Information Centre
- Tourism, Marketing and Events
- Youth Services
- Community and Economic Development

Variations to the General Rate

The aim of rates and charges decision-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay. A property's AAV is generally considered a reasonable proxy for assessing a ratepayer's capacity to pay.



COUNCIL POLICY

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In recognition that land use categories have varying capacity to pay and have a varying impact on the demand for Council services, the general rate payable is varied for those properties used for the following purposes:-

- Residential
- Primary production purposes
- Commercial properties in the Burnie CBD

The variation of the general rate for these ratepayers is to ensure there is no unfair shift in rate burden from one land use group to another. It also allows Council sufficient flexibility within the rating framework to assess capacity to pay by land use group and to ensure that the general rate payable by each land use group is affordable and in line with the level of service received.

4.5 Minimum General Rate Payable

Council imposes a minimum amount payable on the general rate as a means of ensuring that all ratepayers contribute towards the provision of basic services at a reasonable level.

4.6 Exemption from General Rate

All land defined under Section 87(1) of the Local Government Act 1993 is exempt from general rates.

In relation to charitable purpose as mentioned in Section 87(1)(d) an exemption will be granted if land or part of the land is owned and occupied by a non-government organisation exclusively for: -

- i) the relief of poverty; or
- ii) the advancement of religion; or
- iii) the advancement of education; or
- iv) community welfare; or
- v) is registered as a "Deductible Gift Recipient" by the Commonwealth Government.

Church owned manses are included in the definition of the "advancement of religion"

4.7 Service Rates and Charges

Service charges are designed to reflect payment based on access or usage of services provided by Council. The charges are set to recover the cost of the specific service/s provided. Council levies service charges for the following services:-

Stormwater - Covers maintenance and upgrade of connections, drainage, and storm water removal systems including from roads and funds programs to improve municipal storm water removal systems.



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Waste management - Covers waste collection including recycling, and running the waste management centre. The waste charge is split into 2 components being the kerbside collection charge and the municipal waste charge.

The kerbside collection charge is set to cover the cost of kerbside collections and is payable by all ratepayers falling within Council's kerbside collection areas.

The municipal waste charge is set to cover the costs of all other municipal waste services including maintaining litterbins in the municipality, some costs associated with the Waste Management Centre and the provision of waste vouchers to all ratepayers. The municipal charge is paid by all ratepayers within the municipality.

Fire levy - This charge is collected on behalf of the state fire commission for fire protection services.

4.8 Remissions and Discounts

General Remissions

A ratepayer, under Section 129 of the Act may apply to the Council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged. In accordance with the Act Council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.

An application must be made in writing and lodged with the General Manager. The General Manager is to keep a record of the details of any remission granted by Council under in accordance with the Act.

A ratepayer suffering financial hardship may apply to the General Manager for a freeze on interest penalties. To be eligible, ratepayers must satisfy the General Manager that the remission should be granted on the basis of financial hardship, and that the property is the ratepayer's principle place of residence. In addition the ratepayer must enter into and maintain a suitable formal payment arrangement.

Stormwater Service Charge Remissions

Owners of properties with no ability to connect to the stormwater system may make an application to Council for a remission of the storm water service charge.

An application must be made in writing and lodged with the General Manager. Application forms are available online or from the Customer Service Centre at 80 Wilson Street, Burnie.



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Each application will be assessed on a case by case basis and a remission will be granted if the General Manager is satisfied that one of the following criteria are met:-

- The property discharges to a waterway not under Council management and there is no alternative drainage system available
- Property discharges to a soakage pit on the property and there is no alternative drainage system available
- The property discharges to ground or offsite by over land flow and there is no alternative drainage system available
- The property discharges to roadside table drain that only incorporates cross road drainage and there is no alternative drainage system available.

Kerbside Collection Charge Remissions

A remission of the kerbside collection for waste and/or kerbside collection for recycling may be approved where collection is impractical due to limited presentation space at kerbside or insufficient storage space within the property.

An application must be made in writing and lodged with the General Manager. Application forms are available online or from the Customer Service Centre at 80 Wilson Street, Burnie.

Each application will be assessed on a case by case basis and reviewed annually. To be eligible for a remission the following conditions must be met:-

- The property must be used for a residential purpose.
- All owners within the property have provided written confirmation to accept responsibility for managing the disposal of refuse and recycling arising from the property in an approved manner (normally, this would be provided via a body corporate).
- The cost of managing waste and recycling will be borne by the property owner/s and a demonstrated suitable commercial arrangement is in place between the body corporate and a waste service provider.

Discount for Early Payment

Council provides a discount of 2.5% of the total current rates and charges if rates including arrears are paid in full by the 31 August each year.

Rate Rebate – Conservation Covenants

A rate rebate is to be provided to ratepayers that have registered Conservation Covenants within the municipality of Burnie under the Private Land Conservation Program.

The rebate is set at \$5 per hectare per annum with a minimum of \$50 and a maximum of \$500.



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Pensioner Assistance

Pensioners eligible for assistance under the Local Government (Rates and Charges Remission) Act 1991 may receive a rebate of rates and charges on their principal place of residence up to a maximum amount in any given year.

The Act defines the holder of any of these three card types to be an eligible pensioner for rates remission purposes:-

- Pensioner Concession Card,
- Health Care Card; or a
- Repatriation Health Card

The card must have a date of grant on or prior to 1 July of the year to which the rate remission relates. The possession of an Australian Government Seniors Health Card does not qualify the holder for a rates remission.

The applicant must be liable to pay the rates on the property that they occupy as their principal place of residence. In the case of joint ownership, at least one of the owners must meet the eligibility criteria. There is a limit of one remission per year per pensioner household.

Any pensioner who has not previously received a remission must complete an application form. Application forms are available from the Customer Service Centre at 80 Wilson Street, Burnie.

Eligibility of a pensioner remission is determined by the State Government - Department of Treasury and Finance and Centrelink records.

4.9 Supplementary Valuations

In certain circumstances, valuations must be determined between general revaluations. These are known as supplementary valuations and are required when the circumstances of a property changes which affects the property's value.

Some circumstances that may trigger a supplementary valuation are as follows:

- Construction of a new building(s) on the land,
- Extension to or renovation of existing building(s),
- Subdivision or consolidation of the land,
- Demolition of a building(s) on the land,
- Other improvements to the land such as out buildings, swimming pools etc,
- Change in the land's usage,
- Realignment of the properties boundary,
- Property becomes rateable.



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When any of the above situations arise, a supplementary valuation will be undertaken by the Valuer General. The supplementary valuations will bring the valuation of the property in line with the general valuation of other properties in the municipality. Values are assessed at the same date of the general valuation currently in use.

Where the Valuer-General has undertaken a supplementary valuation, the ratepayer will be issued with a supplementary rates notice. The notice will show the new adjusted valuations for the property and will include any adjustments to the rates and charges affected by the supplementary valuation for the current financial year. Rates and charges adjustments of less than \$50 will not result in a supplementary rates and charges notice for the current financial year.

4.10 Payment of Rates

Rates are levied in early July each year and Council and are payable by four equal instalments. The due date for instalments being:

- 1st Instalment – 31 August
- 2nd Instalment – 30 November
- 3rd Instalment – 29 February
- 4th Instalment – 31 May

A discount for early payment is granted if payment is received in full by 31 August.

Difficulty in paying

A ratepayer who is having difficulty in paying their rates by the due date should contact Council at the earliest opportunity to arrange a payment schedule that is agreeable to Council and the ratepayer. Interest penalties will be payable on amounts not paid by the above instalment due dates.

If a ratepayer does not pay the rates on his or her property and does not have an agreed payment arrangement in place, Council may commence legal action to recover the outstanding amount. If Council takes such action the ratepayer will also be liable for legal costs associated with the action.

If a ratepayer has not made a satisfactory arrangement to pay their outstanding rates and have rates and charges outstanding in excess of 3 years, action may be taken to sell the property in accordance with the Local Government Act to recover the amount owed.

Interest Penalties

If rates are not paid by the due date, daily interest will be charged in accordance with Section 128 of the Local Government Act 1993.



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The charged will be calculated in accordance with the following formula:

$$P = \frac{LTB + 6\%}{365}$$

where –

- P is the prescribed percentage;
- LTB is the official ten-year long term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.

4.11 Objection Rights

If a ratepayer believes that they have been rated incorrectly, an objection can be made on the following grounds:-

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

Objections should be made in writing to the General Manager within 28 days of the rates notice being issued. The General Manager may amend the rates notice as he considers appropriate or refuse to amend the rates 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 rates notice.

5 LEGISLATION

Local Government Act 1993

6 RELATED DOCUMENTS

Annual Plan and Budget Estimates 2019-20 CD-CBS-SG-001
 Financial Management Strategy 2029 (2019) CD-CBS-FIN-001



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Policy Endorsement	
Responsibility:	It is the responsibility of the General Manager to ensure Council's compliance with this policy. It is the responsibility of the Executive Manager Corporate Finance to administer and review this policy as required. It is the responsibility of the Governance Unit to maintain this policy within the Policy Register.
Minute Reference:	
Council Meeting Date:	
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous Rates and Charges Policy version 8.0 dated 15 May 2018, Item Number AO128-18.
Date of Commencement:	
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website (www.burnie.net)

AO185-19 NON AGENDA ITEMS

In accordance with the requirements of Regulation 8(5) of the *Local Government (Meeting Procedures) Regulations 2015* a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

Council by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) the matter is urgent; and
- (c) that advice has been provided under section 65 of the *Act*.

There were no non agenda items.

There being no further business the Mayor declared the Meeting closed at 7.06pm.

CERTIFICATION OF MINUTES AS A TRUE RECORD

These minutes are confirmed as an accurate record of the Special Meeting of Burnie City Council held on 25 June 2019.

Confirmed:



Andrew Wardlaw, GENERAL MANAGER

Confirmed:



Steven Kons, MAYOR