



Agenda Special Council Meeting

30 July 2019



CERTIFICATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and;
2. Where any advice is given directly to Council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."

Note:

S65(1) of the Local Government Act 1993 requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council Committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated this 26th day of July 2019.



Heidi Marshall
A/GENERAL MANAGER

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Flinders Council Special Meeting - Agenda

Tuesday 30 July 2019

Venue Flinders Arts and Entertainment Centre, Whitemark
Commencing 9.00am

Attendees - Councillors Mayor Annie Revie
Deputy Mayor David Williams
Sharon Blyth
Aaron Burke
Peter Rhodes
Vanessa Grace

Apologies Rachel Summers

Attendees - Staff Heidi Marshall | A/General Manager
Vicki Warden | Executive Officer (minute taker)

"In relation to the current agenda, 30th July 2019, report 3.1, Rates and Charges 2019/20, an error has been found. The error is as follows.

- Under previous Council consideration, 'Nil' consideration was stated, however, previous Council consideration was given at the Ordinary Council Meeting held 18th June 2019, under decisions 188.06.2019 and 189.06.2019. These decisions can be viewed in the minutes of Ordinary Council Meeting 18th June 2019 under Section 20.2 Rates and Charges 2019/20.*

A new report with the above changes will be presented as a revised Rates and Charges for 2019/20 report, under Section 3.1, in this Special Council Meeting, 30th July 2019. The report's revisions are available for viewing by Councillors and the public at this meeting."

1 Declaration of Pecuniary Interest

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.

2 Conflict of Interest

In accordance with the Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.

3 Finance

3.1 Rates and Charges for 2019/20

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall A/General Manager Dianne Walsh Finance Officer
File Reference	FIN/0701 and FIN/1205
Annexures	3.1.1 Rates Summary 3.1.2 Adjustment Factors 3.1.3 Land Use Codes

INTRODUCTION

Section 82 of the *Local Government Act 1993* (the Act), requires the General Manager to prepare Budget Estimates of the Council's revenue and expenditure for each financial year.

As part of these Budget Estimates and pursuant to section 90 of the Act, Council can raise rates on all rateable land (i.e. all land excepting the land set out in section 87 of the Act) within the Flinders municipal area.

In prior years, at the July 2017 Ordinary Meeting of Council, following a thorough review of Council's rating system, Council decided to move to a Capital Value (CV) based rating system with a Fixed Charge component and in the process introduce differential rating.

In 2019, the Assessed Annual Values (AAV) and Capital Value Adjustments on properties (which occurs every two years) has been conducted by the Office of the Valuer General (OVG). A full revaluation of Land, Capital and Assessed Annual Values occurs every six years.

Rates may vary from year to year based on a combination of: changes in the Capital Value and Assessed Annual Value of properties; changes in the rate in the dollar applied; and changes in the fixed charge component.

This report puts forward the proposed rates resolution for the 2019/20 Budget which is in line with these actions.

PREVIOUS COUNCIL DISCUSSION

4 June 2019 Council Workshop

PREVIOUS COUNCIL CONSIDERATION

188.06.2019 18th June 2019

189.06.2019 18th June 2019

OFFICER'S REPORT

Due to the significant implications of the cost of resurfacing the airport long runway in 2020 (\$1.8 million), the following recommendation aims to increase Council's income, generated from general rates, by 5% in 2019/20 (excluding new properties). This recommendation is in line with requirements as outlined in the Strategic Long-Term Financial Plan.

An adjustment to property valuations has been conducted by the Office of Valuer General (OVG), which will impact on individual properties, ranging from 0% to 20%, as per Annexure 20.2.1.

In addition to the OVG increase in capital valuations, I recommend that Council increases the rates in the dollar by 5% and the fixed charge component by 5%.

This is in line with the Strategic Long-Term Financial Plan which required a 10% increase in 2019/20. The additional 5% (\$96,680) is required to contribute towards the shortfall in user fee airport income of \$161,000 per annum (refer Agenda Item 19.1 User Fees and Charges).

Fire Services Contribution

Pursuant to the *Fire Service Act* 1979, Council is required to collect funds for firefighting services throughout the State.

S.93A of the Act grants Council the power to make one or more service rate for the purpose of collecting those funds.

The amount generated, less legislated collection costs, will be forwarded to the State Fire Commission who has indicated that the minimum levy will be \$41 per assessment.

Payments

The payment provisions within the proposed resolution including penalty and daily interest charges are in accordance with the Act, consistent with previous years, in accordance with Council's Rating and Charges Policy and in line with practices in other Councils.

STATUTORY REQUIREMENT

Local Government Act 1993

POLICY/STRATEGIC IMPLICATIONS

4. Strategic, Efficient and Effective Organisation – Responding to risks and opportunities.
- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.
- 4.3.9 An integrated and strategic approach to financial and asset management.

BUDGET AND FINANCIAL IMPLICATIONS

The adoption of this resolution will provide the framework to raise the necessary funds for the implementation of the Annual Plan 2019/20 and to achieve Council's strategic outcomes detailed in Council's Strategic Plan. It also aligns with the Strategic Long-Term Financial and Asset Management Plans of the Council.

In the next three years, Council's reserve balances will drastically reduce due to significant capital projects, such as the Telecommunications upgrade and Airport runway upgrade, as well as the repayment of our loans. All of these projects have generated significant benefits to the community. As only 40% of our revenue is generated from rates and user fees, future sustainability heavily relies on rateable income and user fees.

The implications of the rates resolution and achieving a 5% rate rise, is essential to Council's immediate financial health.

RISK/LIABILITY

High.

At present, to address our financial needs and sustainability, we have few options available. Government grants require long term relationship building and with no sure outcomes. Therefore, our only reliable mechanisms remain with rates and user fees.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

In accordance with the provisions of the *Local Government Act 1993*, the Flinders Council hereby makes the following rates and charges for the period commencing 1 July 2019 and ending 30 June 2020:

1. Definitions & Interpretations

- (a) 'Act' means the *Local Government Act 1993*;
- (b) 'Council' means the Flinders Council;
- (c) 'land' has the meaning given to that term in section 86 of the Act;
- (d) 'Land Use Codes' means the relevant subcategories, of the use or predominant use of the land, set out as uses of land in the most recent Land Use Codes provided to the councils by the Valuer-General and published on the internet by the Tasmanian Government as part of the Land Information System Tasmania;
- (e) 'Municipal Area' means the municipal area of the Council as defined in section 3 of the Act;
- (f) 'rateable land' means all land excepting land exempt by operation of section 87(1) of the Act; and
- (g) Super Land Use Group means the groups of Land Use Codes set out in column B of Annexure 19.2.3 to this resolution.

2. General Rates & Variations

2.1. Pursuant to sections 90 and 91 of the Act, Council makes the following two-component general rate for all rateable land within the Municipal Area for the financial year commencing on 1 July 2019 and ending on 30 June 2020:

- (a) a rate 0.4123319 cents in the dollar of Capital Value; and
- (b) a Fixed Charge in the amount of \$400.

2.2. Pursuant to section 107(1) of the Act, Council hereby varies the general rate (as previously made) according to one or more of the following factors:

- (a) the use or predominant use of the land;
- (b) the non-use of land;
- (c) the locality of the land; and/or
- (d) the prescribed factor of Land Use Codes pursuant to r.33(c) of the *Local Government (General) Regulations 2015* (here referred to as Land Use Codes), in accordance with the following Variation Table:

VARIATION TABLE		
Locality	Use/Non-use/Land Use Codes	Variation
Flinders Island Bass Strait Islands	Rateable land subject to any Land Use Code within the Super Land Use Group "Commercial" EXCEPTING the following: <ul style="list-style-type: none">• C40 (Hotel / Motel);• P32 (Transport – Aviation);• P321 (Transport-Aviation-Private); and	The rate of 0.4123319 is increased to 0.494798 cents in the dollar of Capital Value

VARIATION TABLE		
Locality	Use/Non-use/Land Use Codes	Variation
	<ul style="list-style-type: none"> • V2 (Vacant-Commercial). (i.e. Non-Vacant Commercial) 	
Flinders Island Bass Strait Islands	Rateable land subject to the Land Use Code C40 (Hotel / Motel). (i.e. Non-Vacant Commercial – Hotel / Motel)	The rate of 0.4123319 is increased to 0.536031 cents in the dollar of Capital Value
Flinders Island Bass Strait Islands	Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> • P32 (Transport – Aviation); and • P321 (Transport-Aviation-Private). (i.e. Non-Vacant Commercial – Aviation)	The rate of 0.4123319 is increased to 0.556648 cents in the dollar of Capital Value
Flinders Island Bass Strait Islands	Rateable land subject to any Land Use Code within the Super Land Use Group “Residential” EXCEPTING the following: <ul style="list-style-type: none"> • V5 (Vacant-Rural Residential); • V4 (Vacant-Englobo/Broad Hectares); • V1 (Vacant-Residential); and • V (Vacant Land). (i.e. Non-Vacant Residential)	The rate of 0.4123319 is reduced to 0.391715 cents in the dollar of Capital Value
Cape Island Barren	Rateable land subject to any Land Use Code within the Super Land Use Group “Commercial” EXCEPTING V2 (Vacant-Commercial). (i.e. Non-Vacant Commercial)	The rate of 0.4123319 is increased to 0.453564 cents in the dollar of capital value
Cape Island Barren	Rateable land subject to the Land Use Codes within the Super Land Use Group “Residential” EXCEPTING the following: <ul style="list-style-type: none"> • V5 (Vacant-Rural Residential); • V4 (Vacant-Englobo/Broad Hectares); • V1 (Vacant-Residential); and • V (Vacant Land). (i.e. Non-Vacant Residential)	The rate of 0.4123319 is reduced to 0.350482 cents in the dollar of Capital Value
Cape Island Barren	<ul style="list-style-type: none"> • Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Community Services” that is not vacant. (i.e. Non-Vacant Community Services) 	The rate of 0.4123319 is reduced to 0.371098 cents in the dollar of Capital Value

VARIATION TABLE		
Locality	Use/Non-use/Land Use Codes	Variation
	<ul style="list-style-type: none"> • Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Industrial” that is not vacant. (i.e. Non-Vacant Industrial) • Rateable land subject to any of the Land Use Codes within the Super Land Use Group “Primary Production” that is not vacant. (i.e. Non-Vacant Primary Production) • Rateable land subject to any of the following Land Use Codes: <ul style="list-style-type: none"> ~ V2 (Vacant-Commercial); ~ V5 (Vacant-Rural Residential); ~ V4 (Vacant-Englobo/Broad Hectares); ~ V1 (Vacant-Residential); and ~ V (Vacant Land). <p>(i.e. Vacant)</p>	

3 Fire Service Contribution

3.1 Pursuant to Section 81 of the *Fire Service Act* 1979 and Section 93A of the Act, for the period commencing 1 July 2019 and ending 30 June 2020 Council hereby makes the following service rate for the purposes of collecting the fire service contribution from all rateable land in the Municipal Area:

- (a) a rate of 0.3620900 cents in the dollar of Assessed Annual Value with a minimum amount payable of \$41.00.**

4 Separate Land

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

5 Adjusted Values

5.1 For the purposes of each of these resolutions, any reference to Capital Value and Assessed Annual Value includes a reference to that value as may be adjusted pursuant to section 89 of the Act.

6 Payment of Rates & Charges

- 6.1 Pursuant to section 124 of the Act, the rates and charges as set out in parts 2 and 3 of this resolution will be payable in two instalments with the following payment schedule:**
- (a) the first instalment must be made on or before the 31st day of October 2019; and**
 - (b) the second instalment must be made on or before the 29th day of February 2020.**
- 6.2 Pursuant to section 124(5) of the Act, where a ratepayer fails to pay any instalment within 21 days of the date on which that instalment falls due for payment, Council may require the ratepayer to pay the full amount owing for the financial year.**
- 6.3 Pursuant to section 128 of the Act, if any rate or instalment is not paid on or before the date it falls due for payment Council imposes the following penalties:**
- (a) a penalty of 10% of the amount of the unpaid rate or instalment; and**
 - (b) a daily interest charge 0.022131% (8.1% per annum) in respect of the relevant outstanding amount.**

3.2 General Manager's Power to Meet Current and Accruing Requirements

Action	Decision
Proponent	Council Officer
Officer	Heidi Marshall A/General Manager

INTRODUCTION

Section 82 of the *Local Government Act 1993* (the Act), requires the General Manager to prepare Budget Estimates of the Council's revenue and expenditure for each financial year.

Budget Estimates must be adopted by Council no earlier than one month before the start of the financial year and no later than 31 August.

If a council has not adopted the Budget Estimates for the next financial year before the end of the financial year, Section 82A of the Act allows Council to authorise the General Manager to issue and apply such amounts as may be necessary to meet the current and accruing requirements of the Council for the months of July and August in that financial year.

PREVIOUS COUNCIL DISCUSSION

Nil

PREVIOUS COUNCIL CONSIDERATION

Nil

OFFICER'S REPORT

Due to staffing reassignment following the resignation of Council's General Manager in May, the Budget Estimates will not be presented to Council for consideration until the 20 August 2019 Ordinary Meeting of Council.

Given the timeframe, it is advisable that Council authorises the General Manager to issue and apply such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August 2019, within the parameters of Section 82A of the Act:

"82A. Power of general manager to meet current and accruing requirements

(1) If a council has not adopted before the end of a financial year, or considers that it is unlikely to so adopt, under [section 82](#), estimates for the next financial year, the council may authorise the general manager to issue and apply in accordance with this section such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August in that financial year.

(2) If authorised to do so by the council under [subsection \(1\)](#), a general manager may issue and apply, in accordance with this section and any conditions specified by the council in the authorisation, such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August in that financial year.

(3) The authority of a general manager under this section to issue and apply amounts ceases on the adoption, by the council under [section 82](#), of estimates for the relevant financial year, and does not in any event extend beyond 31 August in that financial year.

(4) All amounts issued and applied under this section are taken to have been issued and applied in accordance with the estimates later adopted by the council under [section 82](#) for the relevant financial year.

(5) Amounts issued and applied by the general manager under this section for any one month are not, in total, to exceed the amount that would be equivalent to the expenditure

for the month of June of the immediately preceding financial year in respect of all salaries, pay, wages, allowances, contracts, supplies, services, rents, other charges and all ordinary contingencies of the council.

(6) The issue or application of any amount under this section is to be issued or applied out of the cash reserves of the council.”

STATUTORY REQUIREMENT

Local Government Act 1993 S82 and S82A

POLICY/STRATEGIC IMPLICATIONS

- 4. Strategic, Efficient and Effective Organisation – Responding to risks and opportunities.
- 4.3 Ensure Council meets its statutory obligations and manages corporate and community risk.
- 4.3.12 Annual budget estimates and reviews.

BUDGET AND FINANCIAL IMPLICATIONS

Costs appropriated in July and August will be included as part of the Budget Estimates 2019/20.

RISK/LIABILITY

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council authorises the General Manager to issue and apply such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August 2019, within the parameters of Section 82A of the *Local Government Act*.

Meeting Closed
