



Rates Resolution 2022/23

A. ANNUAL PLAN

That in accordance with section 71 of the *Local Government Act 1993* (as amended) Council adopts the Annual Plan for the financial year ending 30 June 2023 and instructs the General Manager to:

- (a) make a copy of it available for public inspection at the Council's Offices and on the website; and
- (b) provide a copy of it to the Director of Local Government and to the Director of Public Health.

B. ANNUAL ESTIMATES (REVENUE AND EXPENDITURE)

That:

- (a) in accordance with section 82 of the *Local Government Act 1993* the Council by absolute majority adopts the estimates of revenue and expenditure (excluding estimated capital works) for the 2022/23 financial year as detailed in the Annual Plan;
- (b) in accordance with section 82(6) of the *Act* the Council, by absolute majority, authorises the General Manager to make minor adjustments up to \$75,000 to any individual estimate item (including capital works) as he deems necessary during the 2022/23 financial year provided that the total of the Estimates remains unaltered.

C. RATES AND CHARGES 2022/23

That Council makes the following General Rate, Service Rates and Service Charges under the provisions of the *Local Government Act 1993* and the *Fire Services Act 1979* for the financial year 1 July 2022 to 30 June 2023 in respect to land in the municipal area which is separately valued under the *Valuation of Land Act 2001*.

Definitions and Interpretations

Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act 1993* have the same meaning as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meaning set out below:

'Act' means the *Local Government Act 1993*;

'AAV' means the assessed annual value as determined by the Valuer-General under the *Valuation of Land Act 2001*;

'land' means a parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*;

'land used for primary production' means all land used or predominantly used for primary production and includes all land coded 'L' in the valuation list;



'land used for residential purposes' means all land used or predominately used for residential purposes and includes all land coded 'R' in the valuation list;

'municipal area' means the municipal area of Devonport;

'non-used land' means all land coded 'V' in the valuation list;

'supplementary valuation' means a supplementary valuation made under the *Valuation of Lands Act 2001*.

'tenancy' means a portion of land which the Valuer-General has determined is capable of separate occupation and so has separately determined the AAV of that portion, pursuant to Section 11(3)(c) of the *Valuation of Land Act 2001*; and

'valuation list' means, in respect of the financial year, the valuation list, supplementary valuation list or particulars provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*.

1. RATES RESOLUTION- PART 1(A)

Pursuant to sections 90 and 91 of the *Local Government Act 1993*, the Council makes a General Rate ("the General Rate") in respect of all rateable land (except land which is exempt pursuant to section 87 of the *Local Government Act 1993*) consisting of two components being:

- (a) 8.8781 cents in the dollar of assessed annual value (the AAV component);
- (b) A fixed charge of \$300 on all land or tenancy.

2. RATES RESOLUTION – PART 1(B)

Pursuant to section 107 of the *Local Government Act 1993*, the Council by absolute majority hereby varies the AAV component of the General Rate (as previously made) for land within the municipal area which is used or predominantly used for residential purposes to 6.6586 cents in the dollar of assessed annual value of such rateable land.

3. RATES RESOLUTION PART 1(C)

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:

- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used for residential purposes of 15 per cent; and
- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

4. RATES RESOLUTION PART 1(D)

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:



- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used for primary production of 15 per cent; and
- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

5. RATES RESOLUTION PART 1(E)

Pursuant to section 88A of the *Local Government Act 1993*, the Council determines by absolute majority:

- (a) to set a maximum percentage increase in the General Rate for land within the municipal area which is separately assessed and is predominately used as vacant land of 50 per cent; and
- (b) to qualify for the maximum increase cap in subparagraph (a), the rateable land must not have been subjected to a supplementary valuation issued by the Valuer-General during the period from 1 July 2021 to 30 June 2022.

6. RATES RESOLUTION – PART 2

6.1 Pursuant to section 94 of the *Local Government Act 1993*, the Council makes the following service rates and service charges for land within the municipal area (including land which is otherwise exempt from rates pursuant to section 87, but excluding land to which Council does not supply any of the following services) for the period 1 July 2022 to 30 June 2023:

- (a) a waste management service charge of \$310 upon all land or tenancy to which Council supplies or makes available a kerbside collection service.

6.2 Pursuant to section 107 of the *Act*, the Council by absolute majority declares that the service charge for waste management is varied by reference to the use or predominant use of land as follows:

- (a) for all land which is predominately used for any purpose other than residential or primary production to which Council supplies and makes available a kerbside collection service the service charge is varied to \$930; and
- (b) for all land which is non-used land the service charge is varied to \$0.00.

7. RATES RESOLUTION – PART 3

Pursuant to section 93A of the *Local Government Act 1993* and the provisions of the *Fire Service Act 1979* (as amended), the Council makes the following rates for land within the municipal area for the period 1 July 2022 to 30 June 2023:

- (a) a Devonport Urban Fire District Rate of 1.2174 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within the Devonport Urban Fire District.



- (b) a Forth/Leith Fire District Rate of 0.3796 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within Forth/Leith Fire District.
- (c) a General Land Fire Rate of 0.3244 cents in the dollar of assessed annual value, subject to a minimum amount of \$44 in respect of all rateable land within the municipal area, which is not within the Devonport Urban Fire District, or the Forth/Leith Fire District.

8. SEPARATE LAND

In relation to all rates and charges for the 2022/23 year, as previously made, for the purpose 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*.

9. ADJUSTED VALUES

For the purposes of each of these resolutions any reference to assessed annual value includes a reference to that value as adjusted pursuant to sections 89 and 89A of the *Local Government Act 1993*.

10. PAYMENT OF RATES AND CHARGES

Pursuant to section 124 of the *Local Government Act 1993*, the rates for 2022/23 shall be payable in four instalments, the dates by which the rates are due to be paid are:

First Instalment	31 August 2022
Second Instalment	31 October 2022
Third Instalment	28 February 2023
Fourth Instalment	30 April 2023

Where a ratepayer fails to pay any instalment within 21 days from the date on which it is due, the ratepayer must pay the full amount owing.

Penalties

Pursuant to section 128 of the *Local Government Act 1993*, if any rate or instalment is not paid on or before the date it falls due, a penalty of 5% of the unpaid instalment or part thereof, shall be applied except:

- (a) where the ratepayer has adhered to an approved payment arrangement plan and the total rates are paid in full by 30 April 2023; and
- (b) where the ratepayer has authorised an approved bank direct debit payment arrangement.

Supplementary Rates

- (a) Pursuant with sections 89A, 92 and 109N of the *Local Government Act 1993* if a supplementary valuation is made of any land prior to 30 June 2023, the General Manager may at his discretion adjust the amount payable in respect of any or all rates for that land for that financial year in line with the new valuation; and



- (b) If a rates notice is issued by the General Manager under sub-clause (a), the amount shown as payable on that notice is due to be paid in accordance with the remaining instalments or within 30 days of the date on which that notice is issued, whichever is the latter.

D. CAPITAL WORKS PROGRAM

That Council pursuant, to section 82 of the *Local Government Act 1993* adopts the Capital Works Program for the 2022/23 financial year as detailed and note the 10 year forward works program.

E. FEES AND CHARGES

That in accordance with section 205 of the *Local Government Act 1993*, Council adopts the Fees and Charges Schedule for the 2022/23 financial year as detailed.

Approved by Council 27 June 2022 Min 22/120 Refers