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for the meeting of
LIGHT REGIONAL COUNCIL
RATING POLICY REVIEW ADVISORY COMMITTEE

TUESDAY, 19 FEBRUARY 2013

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VISION & ASPIRATIONS
A vibrant and growing community to be supported by quality infrastructure, a sustainable environment and excellent services that meet everybody’s needs and maintains our unique lifestyle.

AGENDA PAPERS
for the meeting of
LIGHT REGIONAL COUNCIL
RATING POLICY REVIEW ADVISORY COMMITTEE
in the
MEETING ROOM
93 Main Street, Kapunda 5373

TUESDAY, 19 FEBRUARY 2013 at 7:00pm
Committee Members,

Cr Des Ellis (Chair)
Cr Steven Watson
Cr Mike Skevington
Cr Robert Williams
Cr Lynette Reichstein
Mayor Bill O’Brien (Ex-Officio)
Ms Vicki Patterson
Mr Paul Fernandez
Ms Denese Walsh
Mr Michael Kennelly
Mr Kevin McNamara

Notice is hereby given pursuant to the provisions of Section 87 (4) of the Local Government Act, 1999, that the next Meeting of the Light Regional Council Rating Policy Review Advisory Committee will be held in the Meeting Room, 93 Main Street on Tuesday, 19 February 2013 at 7:00pm

A copy of the Agenda for the above meeting is supplied as prescribed by Section 87 (4) of the said Act.

...........................................
Brian Carr
CHIEF EXECUTIVE OFFICER

14 February 2013
AGENDA

MEETING OF THE LIGHT REGIONAL COUNCIL RATING POLICY REVIEW ADVISORY COMMITTEE HELD ON TUESDAY, 19 FEBRUARY 2013, IN THE MEETING ROOM, 93 MAIN STREET, KAPUNDA 5373 COMMENCING AT 7:00PM

1. PRESENT
2. OPENING
3. APOLOGIES
   Mrs Denese Walsh (Refer Item 9.2.1 this Agenda) Community Representative
   Mr Kevin McNamara Community Representative
   Cr Lynette Reichstein Light Ward
   Mr Brian Carr Chief Executive Officer

4. MINUTES
4.1 CONFIRMATION OF COMMITTEE MINUTES
5. COMMUNICATIONS
5.1 COMMITTEE MEMBERS’ REPORTS
5.1.1 Delegate / Representative Reports
5.2 PRESENTATIONS TO COMMITTEE
6. HEARING OF REPRESENTATIONS
7. PETITIONS, DEPUTATIONS
7.1 PETITIONS
7.2 DEPUTATIONS
8. BUSINESS ARISING
9. REPORTS FOR DECISION
9.1 CHIEF EXECUTIVE OFFICER
9.2 GENERAL MANAGER, BUSINESS & GOVERNANCE
9.3 GENERAL MANAGER, DEVELOPMENT & REGULATORY SERVICES
9.4 GENERAL MANAGER, STRATEGY, PROJECTS & ENGINEERING
9.5 GENERAL MANAGER, INFRASTRUCTURE & WORKS
10. REPORTS FOR INFORMATION
11. PROCEDURAL MATTERS
11.1 QUESTIONS WITHOUT NOTICE
11.2 QUESTIONS ON NOTICE
11.3 DEFERRED MOTION
11.4 NOTICE OF MOTION
11.5 MOTIONS WITHOUT NOTICE
12. CONFIDENTIAL ITEMS
13. MEETINGS
   The next meeting of Light Regional Council Rating Policy Review Advisory Committee will be held on a date to be considered.
14. CLOSURE
4. MINUTES

4.1 CONFIRMATION OF COMMITTEE MINUTES

4.1.1 Minutes of the meeting of Committee held Tuesday, 16 October 2012

Recommendation

- That the minutes of the meeting of the Rating Policy Review Advisory Committee held Tuesday, 16 October 2012 be confirmed as a true and correct record of that meeting.

5. COMMUNICATIONS

5.1 COMMITTEE MEMBERS’ REPORTS

5.1.1 Delegate / Representative Reports

5.2 PRESENTATIONS TO COMMITTEE

6. HEARING OF REPRESENTATIONS

7. PETITIONS, DEPUTATIONS

7.1 PETITIONS

7.2 DEPUTATIONS

8. BUSINESS ARISING

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<th>Page No.</th>
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<td>2</td>
<td>This matter is being included in the forthcoming discussion paper to be released in regard to Council’s Rating Methodology Review. Ongoing</td>
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<td>6.5</td>
<td>Community Waste Water Management Systems – Multi Use Premises</td>
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<td>This matter is being included in the forthcoming discussion paper to be released in regard to Council’s Rating Methodology Review. Ongoing</td>
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<td>11.5.1 (of 5 June 2012- Motions without Notice)</td>
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<td>9.2.1 (of 16 October 2012)</td>
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9 REPORTS FOR DECISION

9.1 CHIEF EXECUTIVE OFFICER
    NIL
9.2 GENERAL MANAGER, BUSINESS & GOVERNANCE

RAT9.2.1/2013 Light Regional Council Rating Policy Review Advisory Committee Membership

File: 230-1-6

Appendix: 9.2A Resignation of Mrs Denese Walsh effective 18 February 2013

Author: Valda Baker-Wells, Executive Assistant

Report Presenter: Richard Michael, General Manager – Business & Governance

Executive Summary

Report highlights
The report:

- Advises the Committee that Mrs Denese Walsh has tendered her resignation, effective 18 February 2013, from the Rating Policy Review Advisory Committee to pursue other matters within Alice Springs.

- Recommends to the Committee that given the impending deliberations of the 2013/2014 financial year budgetary process, and that the current number of community representatives does not meet the criteria as outlined in the Terms of Reference for the Committee’s operations, that a further call for community members is made.

Budget Impact
Estimated Cost: $NIL

Recommendation
That the Light Regional Council Rating Policy Review Advisory Committee receives the resignation of Mrs Denese Walsh and recommends to Council that Mrs Denese Walsh be thanked for her contribution to the Committee’s deliberations;

and furthermore the Committee authorise the General Manager, Business & Governance to place a public notice in the three (3) local papers requesting expressions of interest for community representatives on the Light Regional Council Rating Policy Review Advisory Committee.

Reasons for the decision
With the resignation of Mrs Denese Walsh as a community representative from the Light Regional Council Rating Policy Review Advisory Committee this now leaves only four (4) current community representatives on this Committee.

Clause 2. Membership of the Terms of Reference of the Light Regional Council Rating Policy Review Advisory Committee (adopted for amendment by Council on 23 October 2012) states “that there shall not be less than five (5) but no more than eight (8) community members on this Committee".
Detailed Report

Purpose

Update the Rating Policy Review Advisory Committee of the resignation of Mrs Denese Walsh as a community representative and to seek authorisation from the Committee to advertise in the local papers for the expression of interest of community representatives in order to comply with the Committee’s Terms of Reference.

Background

The Rating Committee’s membership, following the resignation of Mrs Denese Walsh, consists of the following:

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<th>Focus</th>
<th>Management</th>
<th>Chair</th>
<th>Members</th>
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<tr>
<td>Rating Policy Review Advisory Committee</td>
<td>Rates</td>
<td>Chief Executive Officer, Mr Brian Carr</td>
<td>Cr Des Ellis</td>
<td>Cr Steven Watson, Cr Mike Skevington, Cr Robert Williams, Cr Lynette Reichstein, Mayor Bill O’Brien (Ex-Officio)</td>
</tr>
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<td></td>
<td>Rebates</td>
<td>General Manager, Business &amp; Governance, Mr Richard Michael</td>
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<td>Community Members</td>
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<td>HR &amp; Governance Manager, Mrs June Austin</td>
<td></td>
<td>Mr Kevin McNamara, Hewett, Mrs Vicki Patterson, Roseworthy, Mr Paul Fernandez OAM, Gawler Belt, Mr Michael Kennelly, Freeling</td>
</tr>
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<td></td>
<td></td>
<td>Acting Finance Manager, Mrs Claire McNamara</td>
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The Committee’s Terms of Reference are as follows;

ESTABLISHMENT & TERMS OF REFERENCE OF THE LIGHT REGIONAL COUNCIL RATING POLICY REVIEW ADVISORY COMMITTEE

1. Establishment of the Rating Policy Review Advisory Committee

Pursuant to Section 41 of the Local Government Act 1999 the Council establishes a Committee to be known as the Light Regional Council Rating Policy Review Advisory Committee (“the Committee”).

2. Membership

2.1 Membership of the Committee shall consist of the Mayor, three (3) Councillors and not less than five (5) but no more than (8) Community Representatives.

2.2 The Mayor may attend as ex-officio pursuant to Section 41(6) of the Local Government Act 1999.

3. Office Bearers

3.1 The Presiding Member of the Committee shall be appointed by the Council for such term as the Council sees fit.

3.2 The office of the Presiding Member shall become vacant if:

3.2.1 The Council removes the Presiding Member from office; or

3.2.2 The Presiding member ceases to be a member of the Committee, and

3.2.3 Under such circumstance the Council shall appoint a replacement Presiding Member from those members of the Committee.

3.3 If the Chair of the Committee is absent from a meeting, a member of the Committee shall be chosen from those present to undertake the role of Chair at that meeting.
4. **Meetings**

4.1 Meetings of the Committee will be conducted in accordance with the Act, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee.

4.2 Insofar as the Act, the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.

4.3 In accordance with, and subject to, the Act and the Local Government (Procedures at Meetings) Regulations 2000 all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.

4.4 The Committee will meet at the Committee’s discretion on an as required basis.

4.5 Ordinary meetings of the Committee will be held in Council’s offices located at 93 Main Street, Kapunda.

4.6 Minutes of a meeting of the Committee shall be presented to the next meeting of the Committee, for confirmation and minutes and agendas of the meeting to Council to be received.

4.7 In accordance with the Act, the minutes of a meeting of the Committee shall be provided to all Council members and Committee members within five (5) days after the meeting of the Committee.

4.8 A quorum for a meeting of the Committee shall be six members of the Committee. No business can be transacted at a meeting of the Committee unless a quorum is present.

4.9 All decisions of the Committee shall be made on the basis of a majority decision of the members present and in the event of a tied vote, the matter be referred to the Council for decision.

4.10 Pursuant to Section 41(8) of the Local Government Act 1999 all decisions of the Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee to the Council in this manner is sufficient to satisfy the reporting and accountability requirements of the Council.

5. **Functions**

5.1 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council;

5.2 Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of The Committee is to enquire into and report to the Council in respect of the following matters:–

5.2.1 Appropriate rating models for the fair and equitable distribution of rating effort over the Light Regional Council area

5.2.2 Any other matter which is within the powers and functions of the Council and which is referred to the Committee by the Council

5.3 The Committee shall act at all times in strict accordance with relevant legislation (being the Local Government Act 1999 and associated regulations) and with written policies and guidelines of the Council which are relevant to the Committee in the performance of its functions;
6. **Tenure**

The Rating Policy Committee will continue in existence until wound up by resolution of the Council.

**History**

1. Terms of Reference adopted by Council on 19 March 2002, see Council minutes reference 16.2.2.11, page 2002/83
3. Amendment two adopted by Council on 16 September 2003, see Council minutes reference 15.2.1, page 2003/377

**References**

**Legislation**

Section 41, Local Government Act 1999

**Council Policies**


**Strategic Plan**

Not applicable.
RAT9.2.2/2013 Local Government (Rates) Amendment Bill 2012

File: 150/2/4


Author: Richard Michael, General Manager, Business & Governance

Report Presenter: Richard Michael, General Manager, Business & Governance

Executive Summary

Report highlights

The Local Government Association of South Australia (LGA) advised councils through its Circular No. 49.4 of the introduction into the Legislative Council of the South Australian Parliament by the Hon John Darley MLC of the Local Government (Rates) Amendment Bill 2012.

The Bill proposes to make amendments to two rating concepts contained within the current Local Government Act 1999. Firstly, the Bill seeks to amend the basis of differential rates for vacant land, and further, it seeks to amend the manner in which rates are raised on marina berths.

The proposed amendment to the Act in regard to the basis of differential rates for vacant land will affect this council if passed through Parliament. For the 2012/2013 financial year, approximately 6.59% (494 assessments) of rateable properties were attributed the rating Land Use Category 8 - Vacant Land. These properties generated approximately 4.05% of Council’s general rate revenue for the financial year. Should the legislative be passed, Council may in the future face the prospect of either foregoing or burden shifting approximately 1.1% of its general rate revenue to the other rating land use categories in Council’s rates model. If shifted solely to the Residential LUC an additional 2.85% would be needed to be added to that LUC’s rate-in-the-dollar to gain equivalent revenue.

Should the Bill pass into law prior to 30 June 2013, the Committee Members are advised that Council may need to amend our rates model accordingly. The effect would be to set the Residential LUC and the Vacant Land LUC at the same rate-in-the-dollar.

Council staff lodged a submission with the LGA on 31 January 2013. The submission was made along the lines of the facts presented within this report. Our initial view is that the proposed legislation has the potential to affect peri-urban or near-metro councils in particular as these are locations where there are large areas of vacant land available for residential and or urban development.

Budget Impact

Estimated Cost: $137,850

Future ongoing operating costs: As above, annually adjusted

Is this budgeted?

☑ No

Suggested Funding Source:

Redistribution from within the Council’s annual rates model.

Additional Comments (incl Labour Component if applicable):

The expenditure will only become an issue if the proposed Private Members Bill is passed through the South Australian Parliament.
**Recommendation**

That the Light Regional Council Rating Policy Review Advisory Committee receives the report presented in relation to the proposed SA Parliament Private Member’s bill drafted as the Local Government (Rates) Amendment Bill 2012 and notes that Council staff have lodged a submission in relation to the content of the Bill with the Local Government Association of South Australia.

**Reasons for the decision**

To keep the Rating Committee members aware of potential legislative changes to the Local Government Act 1999 and the possible effects upon Council’s rating policy and its ability to raise general rates.
**Detailed Report**

**Purpose**

The purpose of this report is to advise the Committee Members of potential changes in legislation which governs Council’s ability to raise general rates.

**Background**

The Local Government Association of South Australia (LGA) advised councils through its Circular No. 49.4 of the introduction into the Legislative Council of the South Australian Parliament by the Hon John Darley MLC of the Local Government (Rates) Amendment Bill 2012.

The Bill proposes to make amendments to two rating concepts contained within the current Local Government Act 1999. Firstly, the Bill seeks to amend the basis of differential rates for vacant land, and further, it seeks to amend the manner in which rates are raised on marina berths.

The LGA has sought comment from councils regarding the proposals. A copy of both the draft legislation and the second reading of the Bill have been appended to this report (Appendix 9.2B).

**History**

No report has been presented on this matter prior to this report.

**Discussion/Analysis**

The second of the proposed amendments will not affect the Light Regional Council. However the first proposal will do so.

**Facts**

Based on the adopted 2012/2013 rates model, the following data is provided;

- The Bill seeks to amend the basis of differential rates for vacant land, which is Land Use Category (LUC) 8 – Vacant Land.

- Number of LUC8 (Vacant) rateable properties = 494
  
  Total Number of Rateable properties = 7497 = 6.59% of rateable properties

- On reviewing Council’s adopted 2012/2013 rates model, 126 of the LUC8 (Vacant) rateable properties incurred the minimum rate chargeable in accordance with Section 158 of the Local Government Act.

- The applicable State Valuation Office land use codes which apply to the local government land use category (LUC8) are:
  1. 4100 Vacant Land Urban
  2. 4101 Vacant Land with minor improvement (Urban)
  3. 4150 Vacant Land – Rural Residential (with no Primary Production)
  4. 4151 Vacant Land with minor improvement (Rural Living).

- Applicable Rate-in-the Dollar for Vacant Land (LUC8) and Residential (LUC1) for the 2012/2013 financial year were:
  - LUC8 (vacant) 0.0067498
  - LUC1 (residential) 0.0038570 =1.75 or 75% higher
Revenue Forecast (per Rates Model) for LUC8 (Vacant Land) properties for the 2012/2013 financial year was equivalent to 4.0455% of GR Revenue as follows;

LUC8 (vacant)  $487,373
Remodelled (based on Residential Rate/$)  $349,518

*Difference (worst case)  $137,855

*Further work would be needed to be undertaken to determine effect of the 3 year rule as proposed in the Bill; that is, what properties are subject to the pending legislation proposal discussed as Section 156 sub-section (6a) quote "...unless the land has been owned by the same person or body for not less than 3 years".

Conclusion

With reference to Hon John Darley's second reading (referenced in Appendix 9.2B), the writer's opinion considers that there may be more Council's, not only Light Regional Council, that will be affected by the proposed legislation if passed. Mr Darley's sample councils are limited in number. It is suspected that there may be greater variations between Residential LUC1 rate and Vacant LUC8 rate than speculated in his speech.

Should the proposed amendment Bill be passed through the Parliament in its current form, Council would potentially incur a reduction in General Rate Revenue of approximately 1.1% of revenue.

Should the Council consider that it could not economically forego the amount of revenue currently generated, Council would need to apportion or adjust the level of rating made against other land use categories elsewhere to retain the same level of budgeted rate revenue. As an aside to gain the same revenue, and assuming the apportionment was made directly against LUC1 (Residential), an increase to the rate-in-the-dollar for Residential would have been required by an additional 2.85% to $0.003967 (in lieu of $0.003857).

In general terms the legislation seeks to limit the power of Council's in managing their own (or a portion thereof) rate setting powers. The effect will be that the potential rates lost will be spread across the remainder of the rate base as I doubt that any Council affected would seek to reduce the overall level of general rate income generated.

Should the Bill pass into law prior to 30 June 2013, the Committee Members are advised that we may need to amend our rates model accordingly. Given that the four State Valuation Office Land Use Codes (ie LUC8 rateable properties) over time ultimately lead to residential activities, it may be appropriate to consider a shift in Council's rating model for the 2013/2014 financial year. I will include a discussion on this matter in the 'Rating Review' paper being prepared for the Council's Rating Committee.

Council staff lodged a submission with the LGA on 31 January 2013. The submission was made along the lines of the facts presented within this report. Our initial view is that the proposed legislation has the potential to affect peri-urban or near-metro councils in particular as these are locations where there are large areas of vacant land available for residential and or urban development.

References

Legislation

Council Policies
2012/2013 Annual Business Plan and Annual Budget.

Strategic Plan
LRC Strategic Plan 2008 to 2018
RAT9.2.3/2013  Rating Methodology Review

Author: Richard Michael, General Manager, Business & Governance

Report Presenter: Richard Michael, General Manager, Business & Governance

Executive Summary

Report highlights

Work is progressing on the Rating Review document, while it has taken a deal longer than initially anticipated. Council staff now proposes to formally release the review for comment in March 2013.

Council last reviewed rating methodology in 2007/2008 where there was no change made to systems. Prior to that; the most significant review occurred in preparation for the 2001/2002 financial year. Council resolved to change its methodology from raising general rates by reference to locality raising general rates by reference to the land use categories.

In the context of the report, several broad issues will be discussed.

1. The current rating methodology pursued by Council, that is a differential general rating system based around the use of Land Use Categories applied with a minimum general rate where applicable.
2. Minimum rate compared to fixed charge.
3. Rural Living rating differential compared to Residential rate applied in areas outside of defined township boundaries.
4. Primary Production rate in the dollar being below that State average as per SA Grants Commission advice.
5. Infrastructure & Asset Management Plan financial shortfall between what is needed and what is currently undertaken through Council’s Annual Capital Works Program.
6. The need to model rate revenue generation over a period of time to include in the Long Term Financial Plan; and more particularly a detailed analysis in the shorter-term (up to 4 years).
8. The development of an Environmental Rate Rebate policy statement.
9. The issue of rate capping.
10. The issue of the differential rate used concerning the raising of general rate for Vacant Land as compared to Residential Land

Council rates are a system of taxation which is imposed under the Local Government Act 1999. The system should be relatively simple in terms of its operations and understanding. As stated Council currently sets its rates in accordance with Section 156(1)(a) of the Local Government Act 1999 this includes the declaration of a minimum rate.

Budget Impact

Estimated Cost: $Nil
**Recommendation**

That the Light Regional Council Rating Review Advisory Committee receive the report presented in regard to the rating review currently being drafted for consideration at a future meeting of the Committee.

**Reasons for the decision**

Compliance with Council resolution passed at the 26 June 2012 ordinary council meeting.
Detailed Report

Purpose

The purpose of this report is to update the Committee Members on the preparation of a Rating Methodology Review for the members’ consideration.

Background

At the 26 June 2012 ordinary Council meeting, the following resolution was passed:

| 5 | RAT11.5.1/2012 Comprehensive Review of its Rating Policy during 2012/2013 financial year - Motion without Notice by Cr Rob Williams |

Recommendation:

That Council instruct the Light Regional Council Rating Policy Review Advisory Committee to undertake a comprehensive review of its rating policy during the 2012/13 financial year to address the following matters:

- Rural Living – residential rate rebate
- Primary Production Rate being below the State average as per SA Grants commission advice
- I&AMP – having a $800,000 shortfall for the renewal of unsealed roads
- The need to model rate revenue generation over a period of time to include in the Long Term financial Plan; and more particularly a detailed analysis in the shorter-term; (up to 4 years).
- Any other issues that could affect rates.

The resolution emanated from the Rating Committee meeting held on 5 June 2012. The action above confirmed the minute originally passed by the Committee.

History

Item 9.5, Council Meeting dated 26 June 2012.

Discussion/Analysis

Work is progressing on the Rating Review document, while it has taken a deal longer than initially anticipated.

The following is provided as background to matters being discussed in the report.

Historical Context

The most significant review of Council’s rating methodology occurred in preparation for the 2001/2002 financial year when the Council resolved to change its methodology from raising general rates by reference to locality (i.e. either inside or outside of designated townships), to the current methodology of raising general rates by reference to the land use categories discussed at section 156 of the Local Government Act 1999 and at Regulation 10 of the Local Government (General) Regulations 1999.

One of the major reasons for the change in rating methodology at that time was the inequity of rates being paid by sections of the community, in particular the commercial and industrial sectors in comparison to other sectors. It was considered that residential and primary producer ratepayers were incurring an uneven share of the rates burden at the time.

A further review occurred in the 2007/2008 financial year. In short the outcome of the review was to retain the land use category system of differential general council rating; applied with a district wide minimum general rate to each rateable assessment (where applicable).
Current Issues

In the context of the report, several broad issues will be discussed.

1. The current rating methodology pursued by Council, that is a differential general rating system based around the use of Land Use Categories applied with a minimum general rate where applicable. Specifically the apportionment of the rates burden between the various land uses will be discussed as it is considered (at least by the writer) that the current method of raising rates by reference to land use category is relatively simple and easily understood by Council's ratepayers. Refer to General comments made below.

2. Minimum rate compared to fixed charge. Council has undertaken research on this issue in the past and previously the decision has been to defer any change from using the minimum rate provisions as opposed to implementing a fixed charge regimen, the reasoning being that the ‘middle group’ of ratepayers (approximately 60%) would incur some level of increased rates. A staged scheme may be explored in the context of the report, however the writer’s view is that this would be a significant change in Council’s policy and further research by way of customer survey might be required before any such scheme is implemented.

3. Rural Living rating differential compared to Residential rate applied in areas outside of defined township boundaries. Council has developed research previously in regard to this issue, however it does remain current. Over time though council has continued to receive Land Use Category objections and many of the discrepancies in the rates model have been amended to reflect successful cases.

4. Primary Production rate in the dollar being below that State average as per SA Grants Commission advice. Factually Council by comparison to other councils across the State does have a lower comparison rate-in-the-dollar for the primary production land use category as compared to the residential land use category. State government officials, and indeed Council’s own Audit Committee, has advised the Council that this issue should be reviewed. It is in part an affordability issue which has flow on effects to the level of annual operational grants received by council.

5. Infrastructure & Asset Management Plan financial shortfall between what is needed and what is currently undertaken through Council’s Annual Capital Works Program. It has been documented that Council presently cannot meet the current level of demand for local infrastructure renewal being stated within the Council’s Infrastructure & Asset Management Plan. Gap Analysis work is being undertaken by Council’s Assets and Engineering staff to ascertain revised models of asset renewal and upgrade programs which fit current budget models. Effectively while assets cannot be renewed when due the level of service provided to Council’s ratepayers is reduced.

6. The need to model rate revenue generation over a period of time to include in the Long Term Financial Plan; and more particularly a detailed analysis in the shorter-term (up to 4 years). This item is aligned to item 5 above. Council hopes to develop a detailed four year financial and operational plan aligned to the new Strategic Plan. This of course does not negate the power of the Council to consider alternative plans in forthcoming years, however it will provide the organisation with a detailed starting point to work from.

7. A review of Council’s rates rebate policy. A review of policy wording was considered in the 2012 calendar year; however it is proposed to also look at the ratepayers currently receiving some form of rebate and assessing whether or not the rebate is still appropriate to be provided. A further review of policy might also be appropriate once the assessment is undertaken.

8. The development of an Environmental Rate Rebate policy statement. Interestingly while this matter has been contained on the Rates Committee meeting agenda Business Arising for some while now, only in the last few weeks has there been some interest show in such a rebate being provided by members of the community. The protection of the Council area’s natural environment is an issue that all should take to heart at some point. There are very few pockets of distinctly Barossa and Light flora (in particular) in existence that contain some rare specimens of plants and flowers indigenous to the area. These should be preserved and to that point, does Council have some form of responsibility in helping the protective mechanism? Perhaps the provision of
general rate rebate might help to fund fencing infrastructure, signage or other materials or programs needed to safe ground sensitive areas of the region.

9. The issue of rate capping. There are two distinct considerations in this discussion, firstly should there be a ceiling limit to the increase of general rates that may be experienced by a ratepayer on an annual basis against the previous year’s general rate; secondly taking up the discussion centred around the Private Members Bill in State Parliament introduced by Hon John Darley MLC (refer to separate report in this Committee meeting agenda, also see below.

10. The issue of the differential rate used concerning the raising of general rate for Vacant Land as compared to Residential Land – refer to a report prepared for this Committee meeting agenda discussing the Private Members Bill introduced into the SA Parliament by the Hon John Darley MLC.

General Comments
In progressing any discussion about council rates in should be remembered that Council rates are a system of taxation which is imposed under the Local Government Act 1999.

As stated by Mr David Hope in his review of Council’s rating systems in 2001; “Taxation is a policy mechanism. Taxes are levied to meet four specific policy objectives:

- The allocative role of government – where governments allocate resources to produce goods and services;
- The distributive role of government – where governments redistribute the revenue they raise, either directly (payments) or indirectly (goods and services) to those most in need;
- The regulatory role of government – regulating the environment in which people live; and,
- The stabilisation role of government – trying to maintain a growing and steady economy."

There are five principles that apply to the imposition of taxes on communities. The principles are:

- Equity – taxpayers with the same income pay the same tax (horizontal equity), wealthier taxpayers pay more (vertical equity)
- Benefit – taxpayers should receive some benefits from paying tax, but not necessarily to the extent of the tax paid;
- Ability-to-pay – in levying taxes the ability of the taxpayer to pay tax must be taken into account;
- Efficiency – if a tax is designed to change consumers’ behaviour and the behaviour changes the tax is efficient (eg. Tobacco taxes), if the tax is designed to be neutral in its effect on taxpayers and it changes taxpayers behaviour a tax is inefficient; and,
- Simplicity – the tax must be understandable, hard to avoid, easy to collect."

Council currently sets its rates in accordance with Section 156(1)(a) of the Local Government Act 1999. This refers to the determining the use of the land as the basis of setting a differential general rate (that is land use category). Council utilises the nine categories of land use stipulated in the Local Government General Regulations 1999. Those land uses are:-

(1) Residential
(2) Commercial Shop
(3) Commercial Office
(4) Commercial Other
(5) Industrial Light
(6) Industrial Other
(7) Primary Production
(8) Vacant Land
(9) Other

Council has for a number of years lobbied the State and the local government sector generally in a bid to have a tenth land use category added to the Regulations. The tenth code would have been utilised for those properties included in a ‘rural living’ land use, those properties described the Valuer-General of South Australia as Land Use Code 1912 – Rural Residential. Unfortunately this has not proved successful; discussion on providing a rebate those affected ratepayers has also occurred.
Council also currently chooses to set a minimum rate for its area. The Act further provides that, in doing so, a council may not apply the minimum to more than 35% of the total number of properties in its areas, subject to the separate assessment of rates. Council is well inside the criteria.

Section 155 of the Local Government Act provides that councils may raise a series of separate rates or charges for specific purposes. In Council’s case, this section of the Act is utilised to raise a separate charge to fund the Community Wastewater Management Systems at Freeling, Greenock, Kapunda and Roseworthy; the Refuse Collection and Recycling Service; and the Natural Resource Management (NRM) Board Levy collected on behalf of the State Government.

**Conclusion**

It is anticipated that the Rating Methodology Review will be completed for a March 2013 release discussing the abovementioned issues. Separate copies of the draft report will be sent to Committee members prior to formal release for review and comment, in essence a consultative phase prior the formal presentation of the report for consideration at future Committee and Council meetings.

**References**

**Legislation**

Part X of the Local Government Act 1999

**Council Policies**


**Strategic Plan**

LRC Strategic Plan 2008 to 2018.
9.3 GENERAL MANAGER, DEVELOPMENT & REGULATORY SERVICES
NIL

9.4 GENERAL MANAGER, STRATEGY, PROJECTS & ENGINEERING
NIL

9.5 GENERAL MANAGER, INFRASTRUCTURE & WORKS
NIL

10. REPORTS FOR INFORMATION

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<td>Domestic Waste Service Charge – Rebate for Services Not Provided at the Land</td>
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</table>

**File:** GDS 7.69.11

**Author:** Chris Holmes, Rates Assessment Officer

**Report Presenter:** Richard Michael, General Manager Business & Governance

For the information of Committee Members detail is provided relating to domestic waste collection service charges rebated for the 2012/2013 financial year.

The context of these rebates has been driven by the Local Government (Accountability Framework) Amendment Act 2009, which, amongst a large range of other matters, amended Section 155 of the Local Government Act 1999 relating to service rates and service charges.

The amendment to Section 155 provided for "prescribed circumstances" when the power of the Council to impose an annual service charge will be removed.

Concurrently with the changes made to Section 155 of the Act, the Local Government (General) Regulations 1999 were amended such that Regulation 9B provided for a proportionate downward ‘scaling’ of the service charge where the services were not provided at the access point to the land.

Regulation 9B(2) provided that

"the following provisions apply to the imposition of rates or charges in relation to a particular piece of land:

(a) if the prescribed service is provided no more than 500 metres from the access point to the land—the full service rate or annual service charge (or a combination of both) may be charged for the prescribed service;

(b) if the prescribed service is provided more than 500 metres but no more 2 km from the access point to the land—75% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;

(c) if the prescribed service is provided more than 2 km but less than 5 km from the access point to the land—50% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;

(d) if the prescribed service is provided 5 km or more from the access point to the land—no rate or annual service charge may be charged for the prescribed service"

Following the application of Regulation 9B(2) to the rural, 2 bin, domestic waste collection services provided within the Council district a total of 24 properties were required to be rebated a proportion of their service charge.
Twenty (20) properties were determined to fit the circumstances described in Regulation 9B(2) (b), with service provision being more than 500 metres but no more 2 km from the access point to the land, and

Four (4) properties were determined to fit the circumstances described in Regulation 9B(2) (c) with service provision being more than 2 km but less than 5 km from the access point to the land.

In accordance with the regulations the ‘twenty properties’ referred to above received a 25% rebate of service charge and the ‘four properties’ similarly mentioned received a 50% rebate of service charge. No properties qualified for the 100% rebate of charge.

Committee Members are advised that total service charge rebates made pursuant to Regulation 9B(2) for the 2012/2013 rating year amounted to a sum of $1,162.

**Recommendation**

That the reports on delegated authority and information items be received and the contents therein be noted by the Light Regional Council Rating Policy Review Advisory Committee.
11.5 MOTIONS WITHOUT NOTICE

Rules per Regulations
• A member may bring forward a motion without notice and if required by the Chairman, put it in writing.
• Before addressing the meeting, the member shall state the purpose of the motion.
• A member cannot move more than one motion without notice on the same subject at any meeting.

12 CONFIDENTIAL ITEMS

13 NEXT MEETING

14 CLOSURE
55 Gap Rd
Alice Springs, 0870
To Whom it may concern
ATTN:
LIGHT REGIONAL COUNCIL

Please accept this letter as formal notification of resignation from the Rating Policy Review Advisory Committee. As of the 18th February 2013 I will no longer be available to attend meetings.

While I have enjoyed my time as a member of this committee, it is time for me to move on with other ventures notably my work in Alice Springs

Kind regards.

Denese Walsh
South Australia

Local Government (Rates) Amendment Bill 2012

A BILL FOR
An Act to amend the Local Government Act 1999.
Local Government (Rates) Amendment Bill 2012

Contents

Part 1—Preliminary
1 Short title
2 Amendment provisions

Part 2—Amendment of Local Government Act 1999
3 Amendment of section 156—Basis of differential rates
4 Amendment of section 158—Minimum rates and special adjustments for specified values
5 Insertion of section 158A
158A Minimum rates for marinas etc

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the Local Government (Rates) Amendment Act 2012.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of Local Government Act 1999

3—Amendment of section 156—Basis of differential rates

(1) Section 156(6)—delete "If" and substitute:

Subject to subsection (6a), if

(2) Section 156—after subsection (6) insert:

(6a) Despite any other provision of this Act, the non-use of vacant land (being land that is to be used for residential purposes) cannot be used for the purpose of the declaration of differential rates that exceed the rate that would have been imposed were the land being used for residential purposes unless the land has been owned by the same person or body for not less than 3 years.

(3) Section 156—after subsection (15) insert:

(16) In this section—

residential purposes—land is to be used for a residential purpose if the land is to be used for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations 2008.
4—Amendment of section 158—Minimum rates and special adjustments for specified values

Section 158—after subsection (1) insert:

(1a) Subsection (1) does not apply to, or in relation, rateable land consisting of a marina or marina berth (within the meaning of section 158A).

5—Insertion of section 158A

After section 158 insert:

158A—Minimum rates for marinas etc

(1) A council may, in accordance with this section, fix a minimum amount payable by way of rates or charges under this Part in relation to a marina within the area of a council, or marina berths within the marina.

(2) If 2 or more pieces of rateable land within a marina are owned by the same owner (whether occupied by the same occupier or otherwise), a minimum amount payable by way of rates or charges may only be imposed against the whole of the land and not against individual pieces of it (including, to avoid doubt, individual marina berths).

(3) However, the minimum amount payable fixed where subsection (2) applies cannot exceed—

(a) the total amount that would, but for this section, be payable by way of rates and charges under this Part if the pieces of rateable land were a single piece of rateable land; or

(b) the amount fixed by the regulations,

whichever is the lesser.

(4) Subsection (2) does not apply in relation to a service rate or annual service charge (however, the ability to fix a minimum amount payable by way of a service rate or annual service charge will apply subject to any restriction, limitation or condition made by the regulations, including a provision that only allows the fixing of a minimum amount in prescribed circumstances).

(5) If an owner owns 1 marina berth within a marina (whether occupied by the owner or otherwise) a minimum amount payable by way of rates or charges under this Part may be imposed against the marina berth.

(6) However, if the value of a particular marina berth is less than 50% of the notional value of marina berths within the marina used by the council to fix the minimum amount payable under subsection (5), then the amount payable by way of rates or charges under this Part in relation to the marina berth will be taken to be—

(a) an amount equal to 50% of that minimum amount; or

(b) the amount fixed by the regulations,
whichever is the lesser.

(7) A minimum amount payable by way of rates or charges cannot be imposed against a marina berth or any other land that constitutes less than the whole of a single allotment.

(8) A council cannot fix a minimum amount payable under this section in respect of a general rate or a separate rate if the council has included a fixed charge as a component of that rate.

(9) This section does not apply to, or in relation to, rates or charges imposed in respect of the 2012/13 financial year, or any preceding year.

(10) In this section—

_allotment_ means the whole of the land comprised in a certificate of title;

_marina_ means a facility comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide berths, moorings or dry storage for vessels;

_marina berth_ means a piece of ratable land within a marina—

(a) used for the berthing or mooring of a vessel; and

(b) used for the dry storage of a vessel (commonly known as a hard stand).
The Hon. J.A. DARLEY (21:06): I move:

That this bill be now read a second time.

The bill has two aspects, both relating to rates that are charged by councils in accordance with the provisions of the Local Government Act. Section 153 of the act provides that a council may declare a general rate on all rateable land within its area for a particular financial year or differential general rates on rateable land within its area for a particular financial year.

The first aspect of the bill deals with differential rates applicable to vacant land. Differential rates may be applied to properties according to the different uses of land. This includes a higher rate for vacant land as opposed to land used for residential purposes. Generally speaking, when a person buys land they usually do so with the intention of building a house. This can be a lengthy process and, in many instances, land will remain vacant for a prolonged period of time before building works actually commence. This can arise as a result of financing issues, the drafting of building plans and the subsequent council approval process.

A number of councils, including Charles Sturt, Port Adelaide Enfield, Prospect, West Torrens, Marion and Gawler, are charging premium rates for vacant land under the guise of encouraging people to develop their land as opposed to holding onto it for long periods of time. In at least one case, the rate in the dollar charged on vacant land, as opposed to residential land, is 20 per cent higher. This is a significant cost impost on landowners who purchase a block with the intention of building a house. It makes building a house all the more costly and all the more difficult, particularly for first home buyers. The last thing that people saving to build a house need, particularly in today's economic climate, is to be paying higher premiums.

The amendment overcomes this by providing a grace period of three years for people who buy land with the intention of building a home. During that grace period, councils will not be able to charge rates in excess of what would otherwise be imposed on land used for residential purposes. The three-year period is a reasonable time frame, given that buyers, and first home buyers in particular, may need additional time to finance the building works. Once that occurs, we know it can take up to 12 months for plans to be prepared and approved and a further 12 months to actually build the house.

The second aspect of the bill relates to rates on marina berths. Normally, a property is rated on the value of the property as a whole; that is, per allotment or ownership. Generally speaking, in the case of marina berths, where you have one owner of a single allotment, the owner is charged a minimum rate. Where you have one owner of a single allotment which has multiple occupiers under lease or licence agreements councils are charging a separate rate for each occupation. In the past, some councils have applied a discretionary rebate in place of a minimum rate on the occupation of wet marina berths and hard stand berths.

The Port Adelaide Enfield Council has adopted this approach for over 20 years. I am advised the rebate was initially introduced during the construction period around the Port Adelaide area in recognition of the inconvenience the construction works would cause for locals. In more recent months, the council received legal advice to the effect that the rebate should have expired in the late 1990s. As such, it was deemed appropriate to charge the minimum rate of $750 per annum for each marina berth within a marina.

I am advised that the Minister for State/Local Government Relations provided advice on this issue in June of this year, indicating that there were other avenues available to council to reduce the rates burden on berth owners. Despite this, the council persisted on levying the minimum rate on each marina berth. It was only after overwhelming community outrage that the council agreed, somewhat reluctantly, to transition the application of a minimum rate across all berths in its local government area over a seven-year period.

I am advised that, in the Port Adelaide Enfield area, the current average value of a wet berth asset is $50,000 and the current asset value of a hard stand is $5,000 and, in some cases, as low as $2,500 due to a fall in demand, arguably as a result of the imposition of the minimum annual council rate of $720 per annum. This is the equivalent to the rates that would be payable on a residential property with a capital
value of approximately $274,000 or a commercial/industrial property with a capital value of $132,000. These properties are valued at some three to five times higher than marina berths, yet marina berth occupiers are paying the same in rates.

In the Holdfast Quays Patawalonga area, the current average value of a wet berth asset is between $25,000 and $29,000. The minimum rate for properties in the area is $832, which is equivalent to the rates applicable to a residential property with a capital value of $328,000, or $226,000 for any other property other than residential. Again, these properties are valued at some nine to 13 times higher than marina berths, yet marina berth occupiers are paying the same in rates.

As alluded to, the Port Adelaide Enfield Council is not the only council to implement this sort of rating policy based on separate occupation rather than ownership. It applies equally to the City of Holdfast Bay, which also charges a minimum rate for each marina berth within a marina. Nor is the policy limited to marina berths; it has been adopted across the board by most councils in relation to rateable land in general, particularly where separate occupation is concerned. I understand some councils are even charging a minimal annual rate for space which privately owned ATMs occupy in shopping centres, pubs and clubs under lease agreements.

The argument by councils against my proposal is similar to that argued by the government in relation to crown land leases for shacks on waterfront locations; that is, if a person is wealthy enough to afford a boat, they are able to afford the higher rates. This argument flies in the face of the Local Government Association’s rating and taxing principles, which include that in levelling taxes the ability of the taxpayer to pay the tax must be taken into account. Having regard to that principle, they argue that the best measure of a person’s ability to pay is the valuation of their property. On that basis, occupiers and owners of marina berths and hard stands are being ripped off. They are paying far in excess of the true value of their property. Worse still, there is absolutely no justification for these charges by council.

There are no services being provided on these individual pieces of land and councils are not recouping any costs in any way. It is simply a revenue-raising exercise at the expense of boat owners. Any argument that local residents are subsidising wealthy boat owners is unwarranted on this basis alone. The bill deals with this issue in two ways.

First, it provides that where two or more pieces of land within a marina are owned by the same owner, a minimum amount payable by way of rates or charges may only be imposed against the whole of the land and not against the individual pieces of land. The minimum amount payable cannot exceed the total that would be payable if the pieces of land were a single piece of rateable land or any lesser amount fixed by regulation. The practical effect of this is that the maximum rate that will be payable will be the aggregated value of the land in its entirety as if the land were held as a single allotment.

Secondly, if an owner owns a single marina berth within a marina, the council will be able to charge a minimum rate. However, if the value of the particular marina berth is less than 50 per cent of the notional value of marina berths within a marina, then the amount payable by way of rates will be 50 per cent of the minimum amount or any lesser amount fixed by regulation. What is meant by a marina berth is clearly defined in the bill to include land within a marina used for berthing or mooring vessels and dry storage of vessels.

I have met with representatives of the boating industry, including the Boating Industry Association of South Australia, the Cruising Yacht Club of South Australia, the Royal South Australian Yacht Squadron and Holdfast Quays who, together with Refuge Cove Marina Berth, have been lobbying the government on this issue on behalf of their members, especially as a result of the recent decision of the Port Adelaide Enfield Council. I understand these same groups have also lobbied the opposition on this issue.

There have been several stories in the media about this issue. Boat owners have raised their concerns over the fact that these changes will make it unaffordable to lease a marina berth and it has even been suggested that as a result we can all expect to see more boats parked in people’s front yards. This matter needs to be resolved once and for all in order to provide these individuals with a fair and reasonable outcome. I believe this bill achieves that.

As I mentioned at the outset, normally a property is rated on the value of the property as a whole, not on each separate occupation. The fact that an allotment is divided into separate occupations should be of no significance at all for rating purposes. I foreshadow that in the new year I will be introducing a further bill that deals with rating policy in relation to other rateable land more generally in an effort to provide
more equitable outcomes for other individuals or businesses who are facing similar issues to the boating industry.

In closing, this bill proposes two very straightforward and, indeed, reasonable changes in terms of rating policies for vacant land and marina berths. There is simply no justification for charging owners more rates than what their land is worth. I hope that both these matters will be given due consideration by all honourable members. With that, I look forward to progressing this bill further in the early stages of the next sitting year.

Debate adjourned on motion of Hon. J.S.L. Dawkins.
VISION & ASPIRATIONS
A vibrant and growing community to be supported by quality infrastructure, a sustainable environment and excellent services that meet everybody’s needs and maintains our unique lifestyle.

MINUTES

for the meeting of

LIGHT REGIONAL COUNCIL
RATING POLICY REVIEW ADVISORY COMMITTEE

held in the

MEETING ROOM
93 Main Street, Kapunda 5373

TUESDAY, 16 OCTOBER 2012
1. PRESENT

Cr Des Ellis  Chairman
Cr Mike Skevington  Light Regional Council
Cr Rob Williams  Light Regional Council
Cr Steven Watson  Light Regional Council
Mayor Bill O’Brien  Ex-Officio
Mr Paul Fernandez OAM  Community Representative
Mrs Vicki Patterson  Community Representative
Mr Michael Kennelly  Community Representative
Ms Vicky Rohrlach  Finance Manager
Mrs June Austin  Acting General Manager, Business & Governance
Mrs Valda Baker-Wells  Executive Assistant

2. OPENING

Cr Des Ellis welcomed the committee members and declared the meeting open at 7.11.pm.

3. APOLOGIES

Cr Lynette Reichstein  Light Regional Council
Mr Kevin McNamara  Community Representative
Mrs Denese Walsh  Community Representative
Mr Brian Carr  Chief Executive Officer
Mr Richard Michael  General Manager, Business & Governance

4. MINUTES

4.1 CONFIRMATION OF COMMITTEE MINUTES

Moved Cr Skevington
Seconded Mr Kennelly
That the minutes of the meeting of the Rating Policy Review Advisory Committee held Tuesday, 5 June 2012 be confirmed as a true and correct record of that meeting.  CARRIED

5. COMMUNICATIONS

5.1 COMMITTEE MEMBERS’ REPORTS

5.1.1 Delegate / Representative Reports
5.2 PRESENTATIONS TO THE COMMITTEE

5.2.1 Light Regional Council – Financial Overview

Ms Vicky Rohrlach, Finance Manager and Mrs June Austin, Acting General Manager, Business & Governance, gave a presentation with an overview of the following:

- Role of the Committee
- Recap 2012/2013 Annual Business Plan and Budget Rating Decisions
- Legislation Change
- Annual Business Plan/Budget 2013/2014
- Budget Preparation Schedule
- Strategic Policy Influences
- Light Regional Council Strategic Plan
- Infrastructure & Asset Management Plan (IAMP)
- Long Term Financial Plan (LTFP)
- Matters for Further Discussion

6. HEARING OF REPRESENTATIONS

NIL

7. PETITIONS, DEPUTATIONS

NIL

7.1 PETITIONS

NIL

7.2 DEPUTATIONS

NIL

8. BUSINESS ARISING

Current Status of all matters noted.

9. REPORTS FOR DECISION

9.1 CHIEF EXECUTIVE OFFICER

NIL
9.2 GENERAL MANAGER, BUSINESS & GOVERNANCE

9.2.1 Rate Rebate Policy

File: 230-1-6

Moved Cr Skevington
Seconded Mr Fernandez

That the Rating Policy Review Advisory Committee recommends to Council that Council adopts the amended Rating Rebate Policy (Policy Number 1.6) attached hereto;

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RATE REBATE POLICY

1.0 General Principles

1.1 It is the policy of the Light Regional Council that a rebate of rates in respect of any rateable land in the Council region will be available only when an applicant satisfies the requirements under the Local Government Act 1999 and, where appropriate, the requirements of this Policy.

2.0 Introduction

2.1 The Local Government Act 1999 ("the Act") sets out at Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council granting a rebate of rates to persons or bodies.

2.2 The adoption of this policy will assist Council in its decision making functions relative to the operation of the rate rebate provisions contained in the Act.

2.3 This Policy is intended to provide guidance to the community as to the grounds upon which a person or body is or may be entitled to receive a rebate of rates, and the matters that the Council will take into account in deciding an application for a rebate.

2.4 In accordance with the rebate provisions contained in the Act, this Policy sets out the type of land use under which the Council is required to grant a rebate of rates the rebate amount, and those types of land use where the Council has a discretion to grant a rebate of rates.

3.0 Local Government Act 1999

3.1 Section 159(3) of the Act provides that the Council may grant a rebate of rates under the Act if it is satisfied that it is appropriate to do so.

3.2 The Act provides for a mandatory rebate of rates in specified cases and the amount of that mandatory rebate, pursuant to clause 4 of this policy.
3.3 The Act also provides that where the Council must grant a rebate of rates under the Act and the amount of that rebate if fixed by the Act at less than 100%, the Council may increase the amount of the rebate.

3.4 The Act provides at Section 166, that the Council may grant a discretionary rebate of rates in the cases set out in that section.

4.0 Mandatory Rebates

4.1 Council will grant a rebate in accordance with the Act and other applicable Acts for the amount specified.

4.2 Rates on the following land will be rebated at 100%:

4.2.1 Health Services

Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australia Health Commission Act 1976;

4.2.2 Religious Purposes

Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes;

4.2.3 Public Cemeteries

Land being used for the purposes of a public cemetery;

4.2.4 Royal Zoological Society of SA

Land (other than land used as domestic premises) owned by, or under the care, control and management of, the Royal Zoological Society of South Australia Incorporated.

4.3 Rates on the following land will be rebated at 75%:

4.3.1 Community Services

Land being predominantly used for service delivery and administration by a community services organisation. A “community services organisation” is defined in the Act as a body that:

4.3.1.1 is incorporated on a not for profit basis for the benefit of the public; and

4.3.1.2 provides community services without charge or for a charge that is below the cost to the body of providing the services; and

4.3.1.3 does not restrict its services to persons who are members of the body.

It is necessary for a community services organisation to satisfy all of the above criteria to be entitled to the mandatory 75% rebate.

The Act further provides that eligibility for a rebate by a community services organisation is subject to it providing one or more of the following community services:

4.3.1.4 emergency accommodation;
4.3.1.5 food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability);

4.3.1.6 supported accommodation (i.e., residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life);

4.3.1.7 essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities;

4.3.1.8 legal services for disadvantaged persons;

4.3.1.9 drug or alcohol rehabilitation services; or

4.3.1.10 the conduct of research into, or the provision of community education about, diseases or illnesses, or the provision of palliative care to persons who suffer from diseases or illnesses.

4.3.2 Educational Purposes

4.3.2.1 Land occupied by a government school under a lease or licence and being used for educational purposes; or

4.3.2.2 Land occupied by a non-government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or

4.3.2.3 Land being used by a University or University College to provide accommodation and other forms of support for students on a not for profit basis.

4.4 Where the Council is satisfied from its own records or from other sources that a person or body meets the necessary criteria for a mandatory 100% or 75% rebate, the Council will grant the rebate. Where the Council is not so satisfied it will require the person or body to apply for the rebate in accordance with clause 6 of this Policy.

4.5 Where a person or body is entitled to a rebate of 75%, pursuant to Section 159(4) of the Act, the Council may grant up to a further 25% rebate upon application. Council will take into account those matters set out at clause 6.4 of this Policy and may take into account any or all of those matters set out at clause 6.5 of this Policy. Any such application will be made in accordance with clause 6 of this Policy and the Council will provide written notice to the applicant of its determination of that application.

5.0 Discretionary Rebates

5.1 The Council may at its absolute discretion grant a rebate of rates or service charges in any of the following cases pursuant to Section 166 of the Act –

5.1.1 where it is desirable for the purpose of securing the proper development of the area (or a part of the area);

5.1.2 where it is desirable for the purpose of assisting or supporting a business in its area;

5.1.3 where it will be conducive to the preservation of buildings or places of historic significance;

5.1.4 where the land is being used for educational purposes;

5.1.5 where the land is being used for agricultural, horticultural or floricultural exhibitions;
5.1.6 where the land is being used for a hospital or health centre;

5.1.7 where the land is being used to provide facilities or services for children or young persons;

5.1.8 where the land is being used to provide accommodation for the aged or disabled;

5.1.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1987 (Commonwealth) or a day therapy centre;

5.1.10 where the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community;

5.1.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;

5.1.12 where the rebate is considered by the Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable due to a change in the basis of valuation used for the purposes of rating, rapid changes in valuations, or anomalies in valuations; or where there has been a redistribution of the rates within the community arising from a change to the basis or structure of the Council’s rates; and

5.1.13 where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan or a liability that is unfair or unreasonable.

5.2 The Council may grant a rebate of rates up to and including 100% of the relevant rates or service charges. The Council may grant a rebate for a period exceeding one (1) year, but not exceeding ten (10) years in respect of those cases identified at 5.1.1, 5.1.2 or 5.1.11 above. Further, the Council may grant a rebate for a period exceeding one (1) year, but not exceeding three (3) years in respect of those cases identified at 5.1.12.

5.3 The Council has an absolute discretion –

5.3.1 to grant a rebate of rates or service charges in the above cases; and

5.3.2 to determine the amount of any such rebate.

Persons who, or bodies which seek, a discretionary rebate will be required to submit an application form to the Council and provide to the Council such information as stipulated on the application form and any other information that the Council may reasonably require.

6.0 Applications

6.1 The Council will inform the community of the provisions for rate rebate under the Local Government Act by the inclusion of suitable details in the Rating Policy Summary distributed with the annual rate notice.

6.2 Persons or bodies who seek a rebate of rates (and/or service charges) either;

6.2.1 pursuant to Section 159(4) of the Act and clause 4.4 of this Policy; or
6.2.2 pursuant to Section 166 of the Act and clause 5.3 of this Policy, must make written application to the Council pursuant to Section 159(1) of the Act in the manner and form determined by the Council as attached and supplying such information as the Council may reasonably require.

6.3 Application forms can be obtained from Council’s principal office located at 93 Main Street, Kapunda, or from Council’s website ‘www.light.sa.gov.au’.

6.4 Council will take into account the following matters –

6.4.1 the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the Council’s area;

6.4.2 the community need that is being met by activities carried out on the land for which the rebate is sought; and

6.4.3 the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons.

6.5 Council may take into account other matters considered relevant by Council including, but not limited to, the following –

6.5.1 why there is a need for financial assistance through a rebate;

6.5.2 the level of rebate (percentage and dollar amount) being sought and why it is appropriate;

6.5.3 the extent of financial assistance, if any, being provided to the applicant in respect of the land by Commonwealth or State agencies;

6.5.4 whether the applicant has made or intends to make applications to another Council;

6.5.5 whether, and if so, to what extent, the applicant is or will be providing a service within the Council area;

6.5.6 whether the applicant is a public sector body, a private not for profit body, or a private or profit body;

6.5.7 whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;

6.5.8 the desirability of granting a rebate for more than one (1) year in those circumstances identified at clause 5.2 of this policy;

6.5.9 consideration of the full financial consequences of the rebate for the Council;

6.5.10 the time the application is received;

6.5.11 the availability of any community grant to the person or body making the application;

6.5.12 whether the applicant is in receipt of a community grant; and

6.5.13 any other matters, and policies of Council, which Council considers relevant.

6.6 All persons who, or bodies which wish to apply to Council for a rebate of rates, must do so on or before the due date for the payment of the first quarterly instalment of the annual council rates invoice. Council reserves the right to refuse to consider applications received after that date. However, applicants which satisfy the criteria for a mandatory 100% rebate will be granted the rebate at any time.
6.7 The Act provides that Council may grant a rebate of rates or charges on such conditions as the Council thinks fit.

6.8 Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.

Where an entitlement to a rebate of rates ceases or no longer applies during the course of a financial year, Council is entitled to recover rates, or rates at the increased level (as the case may be), proportionate to the remaining part of the financial year.

6.9 It is an offence for a person or body to make a false or misleading statement or representation in an application or to provide false or misleading information or evidence in support of an application made (or purporting to be made) under the Act.

The maximum penalty for this offence is $5,000.

6.10 If a person or body has the benefit of a rebate of rates, and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact, and whether or not the Council is so informed, the entitlement to a rebate ceases. If a person or body fails to do so that person or body is guilty of an offence.

The maximum penalty for this offence is $5,000.

6.11 Consideration by Council of granting a rates rebate will be based on the merits of each application.

6.12 The Council will, in writing, advise an applicant, of its determination of that application within sixty (60) days of receiving the application or of receiving all information requested by the Council. The advice will state –

6.12.1 if the application has been granted, the amount of the rebate; or
6.12.2 if the application has not been granted, the reasons why; and

6.12.3 in either case, the applicant will be advised of the impact of clauses 6.9 and 6.10 of this policy.

7.0 Delegation

7.1 The Council has delegated its power, pursuant to Section 44 of the Act, to grant applications for mandatory rebates which meet the requirements of the Act, and to determine applications and to grant a discretionary rebate of rates - to the Chief Executive Officer and or his delegate, and where for whatever reason the Chief Executive Officer or delegate cannot, or considers it inappropriate to make a determination on any application, such application shall be referred to the Council for its deliberation.

8.0 Review

A person who or a body which is aggrieved by a determination of the Council in respect of an application for a rebate may seek a review of that decision in accordance with the Council’s Internal Review of Council Decisions Policy within sixty (60) days of the date of the notice of determination which is given pursuant to clause 6.12 of this Policy.

9.0 Schedule

The following schedule is attached to this policy and provides an approved form for application of rebate;

- **Schedule 1** Application for Rebate of Council Rates and Charges
10. **Availability of Policy**

This Policy is available for public inspection at Council’s offices. It is also available for inspection on Council’s website ‘www.light.sa.gov.au’. Persons may obtain a copy of this Policy if purchased over the counter for a fee of $5.00 (GST Inclusive), or may download the policy from Council’s website.

**History of Policy Amendment**

2. *Amendment Number 1 adopted by Council on 21 October 2003, Minute Reference 15.2.5, Page 2003/443*
3. *Amendment Number 2 adopted by Council on 23 October 2012, Minute Reference* …….
SCHEDULE 1
LIGHT REGIONAL COUNCIL
APPLICATION FORM – RATE REBATE
FOR THE / FINANCIAL YEAR

1. Details of Applicant

Name ...........................................................................................................................................
Postal Address ............................................................................................................................
......................................................................................................................................................
Telephone ...................................................................................................................................

If the Applicant is not a natural person, please provide details of a contact person for the Applicant
Name ...........................................................................................................................................
Postal Address ............................................................................................................................
......................................................................................................................................................
Telephone ...................................................................................................................................

2. Details of Land

Valuer-General’s Assessment No. ..............................................................................................
Council Rates Billing No. .............................................................................................................
Certificate of Title Reference ....................................................................................................... 
Property Address (Legal Description) ........................................................................................
......................................................................................................................................................
Owner of Land (if not you) ...........................................................................................................

3. Categories of Rebate

Please tick the category of rebate under which you are seeking a rebate –

3.1 Mandatory Rebate

☐ 3.1.1 Health Services – Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australia Health Commission Act 1976;

☐ 3.1.2 Religious Purposes – Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes;
3.1.3 Public Cemeteries – Land being used for the purposes of a public cemetery;

3.1.4 Royal Zoological Society of SA – Land (other than land used as domestic premises) owned by, or under the care, control and management of, the Royal Zoological Society of South Australia Incorporated.

3.1.5 Community Services – Land being predominantly used for service delivery and administration by a community services organisation.

Does your organisation satisfy the following –

(a) is incorporated on a not for profit basis for the benefit of the public; and

(b) provides community services without charge or for a charge that is below the cost to the body of providing the services; and

(c) does not restrict its services to persons who are members of the body.

If you have ticked (a), (b) and (c) above which of the following services does your organisation provide –

- emergency accommodation;
- food or clothing for disadvantaged persons (i.e., persons who are disadvantaged by reason of poverty, illness, frailty, or mental, intellectual or physical disability);
- supported accommodation (i.e., residential care facilities in receipt of Commonwealth funding or accommodation for persons with mental health, intellectual, physical or other difficulties who require support in order to live an independent life);
- essential services, or employment support, for persons with mental health disabilities, or with intellectual or physical disabilities;
- legal services for disadvantaged persons;
- drug or alcohol rehabilitation services; and/or
- research into, or community education about, diseases or illnesses, or palliative care to persons who suffer from diseases or illnesses.

Other – please specify ....................................................................................................

Educational Purposes

Which of the following criteria apply –

- land occupied by a government school under a lease or licence and being used for educational purposes; or

- land occupied by a non-government school registered under Part 5 of the Education Act 1972 and being used for educational purposes; or

- land being used by a University or University College to provide accommodation and other forms of support for students on a not for profit basis.
3.2 **Discretionary Rebate**

The Council may in its discretion grant a rebate of rates or service charges in any of the following cases. *Please indicate which of the following is applicable to your application –*

- the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
- the rebate is desirable for the purpose of assisting or supporting a business in its area;
- the rebate will be conducive to the preservation of buildings or places of historic significance;
- the land is being used for educational purposes;
- the land is being used for agricultural, horticultural or floricultural exhibitions;
- the land is being used for a hospital or health centre;
- the land is being used to provide facilities or services for children or young persons;
- the land is being used to provide accommodation for the aged or disabled;
- the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1987 (Commonwealth) or a day therapy centre;
- the land is being used by an organisation which provides a benefit or service to the local community;
- the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;
- the rebate is appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a rate payer due to a change in the basis of valuation used for the purposes of rating, rapid changes in valuations, or anomalies in valuations.
- the rebate is appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a rate payer due to a redistribution of the rates burden within the community arising from a change to the basis or structure of the Council’s rates.

4. **Amount of Rebate**

If you are seeking a mandatory rebate under Clause 3.1 of this Application, for which you are entitled to a 75% rebate, are you also applying to the Council to increase that rebate?

**YES** ☐ **NO** ☐

Please specify the amount of rebate that you are applying for –

......................................................................................................................................................

If you are applying for a discretionary rebate under Clause 3.2 of this Application, please specify the rebate amount you are applying for.

......................................................................................................................................................
Please specify why you (or your organisation) need financial assistance through a rebate and why the amount of rebate you have applied for is appropriate.

5. Additional Information Required

The Council requires you to attach the following additional information to this Application –

5.1 Where you are seeking a rebate under Clause 3.1.5 of this Application – Community Services –

5.1.1 evidence that the land is being used for service delivery and/or administration;

5.1.2 a copy of the organisation’s Constitution and/or other documentation establishing that it is incorporated on a not-for-profit basis;

5.1.3 a copy of the organisation’s latest Annual Report;

5.1.4 evidence that the organisation provides services free of charge or below cost;

5.1.5 evidence that the organisation provides services to persons other than members.

5.2 Where you are seeking a rebate in any other case –

5.2.1 evidence that the land is being used for the purpose for which the rebate is being sought;

5.2.2 information as to whether, and if so to what extent, you (or your organisation) will be providing a service within the Council area;

5.2.3 whether you have made or intend to make an application to another council;

5.2.4 the extent of financial assistance (if any) being provided by Commonwealth or State agencies;

5.2.5 whether you are in receipt of a community grant;

5.2.6 any other information that you believe is relevant in support of this Application.

6 Application Forms

Application forms and all additional information must be submitted to the Council on or before the due date for the payment of the first quarterly council rate instalment for the current financial year.

A failure to submit application forms or to provide the additional information required by the Council to assess the application by the due date may result in the Council refusing to consider the application.

Please forward to: Light Regional Council, P O Box 72, KAPUNDA SA 5372
IMPORTANT INFORMATION

It is an offence for a person or body to make a false or misleading statement or representation in an application or to provide false or misleading information or evidence in support of an application made (or purporting to be made) under the Act. The maximum penalty for this offence is $5,000.00, (Section 159 (2) of the Local Government Act 1999).

The Council may grant a rebate of rates or charges on such conditions as the Council thinks fit.

If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases. If a person or body fails to notify the Council that person or body is guilty of an offence and liable to a maximum penalty of $5,000.00, (Section 159 (7) and (8) of the Local Government Act 1999).

The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.

Where an entitlement to a rebate of rates ceases or no longer applies during the course of a financial year, the Council is entitled to recover rates, or rates at the increased level (as the case may be), proportionate to the remaining part of the financial year.

I declare that the information I have provided and attached to this application form is true.

DATED the day of 2____

Signed

CARRIED

9.2.2 Rating Policy Review Advisory Committee Terms of Reference Review Report

File: 230-1-6

Moved Cr Watson
Seconded Mr Kennelly

That Light Regional Council Rating Policy Review Advisory Committee recommends to Council that Council adopts the amended Rating Policy Review Advisory Committee’s terms of reference attached hereto;

ESTABLISHMENT & TERMS OF REFERENCE OF THE LIGHT REGIONAL COUNCIL RATING POLICY REVIEW ADVISORY COMMITTEE

1. Establishment of the Rating Policy Review Advisory Committee

Pursuant to Section 41 of the Local Government Act 1999 the Council establishes a Committee to be known as the Light Regional Council Rating Policy Review Advisory Committee (“the Committee”).
2. Membership

2.1 Membership of the Committee shall consist of the Mayor, three (3) Councillors and not less than five (5) but no more than (8) community representatives.

2.2 The Mayor may attend as ex-officio pursuant to Section 41(6) of the Local Government Act 1999.

3. Office Bearers

3.1 The Presiding Member of the Committee shall be appointed by the Council for such term as the Council sees fit.

3.2 The office of the Presiding Member shall become vacant if:

3.2.1 The Council removes the Presiding Member from office; or

3.2.2 The Presiding member ceases to be a member of the Committee, and

3.2.3 Under such circumstance the Council shall appoint a replacement Presiding Member from those members of the Committee.

3.3 If the Chair of the Committee is absent from a meeting, a member of the Committee shall be chosen from those present to undertake the role of Chair at that meeting.

4. Meetings

4.1 Meetings of the Committee will be conducted in accordance with the Act, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee.

4.2 Insofar as the Act, the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.

4.3 In accordance with, and subject to, the Act and the Local Government (Procedures at Meetings) Regulations 2000 all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.

4.4 The Committee will meet at the Committee’s discretion on an as required basis.

4.5 Ordinary meetings of the Committee will be held in Council’s offices located at 93 Main Street, Kapunda.

4.6 Minutes of a meeting of the Committee shall be presented to the next meeting of the Committee, for confirmation and minutes and agendas of the meeting to Council to be received.
4.7 In accordance with the Act, the minutes of a meeting of the Committee shall be provided to all Council members and Committee members within five (5) days after the meeting of the Committee.

4.8 A quorum for a meeting of the Committee shall be six members of the Committee. No business can be transacted at a meeting of the Committee unless a quorum is present.

4.9 All decisions of the Committee shall be made on the basis of a majority decision of the members present and in the event of a tied vote, the matter be referred to the Council for decision.

4.10 Pursuant to Section 41(8) of the Local Government Act 1999 all decisions of the Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee to the Council in this manner is sufficient to satisfy the reporting and accountability requirements of the Council.

5. Functions

5.1 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council;

5.2 Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of The Committee is to enquire into and report to the Council in respect of the following matters:

5.2.1 Appropriate rating models for the fair and equitable distribution of rating effort over the Light Regional Council area

5.2.2 Any other matter which is within the powers and functions of the Council and which is referred to the Committee by the Council

5.3 The Committee shall act at all times in strict accordance with relevant legislation (being the Local Government Act 1999 and associated regulations) and with written policies and guidelines of the Council which are relevant to the Committee in the performance of its functions;

6. Tenure

The Rating Policy Committee will continue in existence until wound up by resolution of the Council.

History
1. Terms of Reference adopted by Council on 19 March 2002, see Council minutes reference 16.2.2.11, page 2002/83
3. Amendment two adopted by Council on 16 September 2003, see Council minutes reference 15.2.1, page 2003/377
5. Amendment four adopted by Council on 23 October 2012, see Council minutes reference………………….

CARRIED
9.3 GENERAL MANAGER, DEVELOPMENT & REGULATORY SERVICES
NIL

9.4 GENERAL MANAGER, STRATEGY, PROJECTS & ENGINEERING
NIL

9.5 GENERAL MANAGER, INFRASTRUCTURE & WORKS
NIL

10. REPORTS FOR INFORMATION

<table>
<thead>
<tr>
<th>Item No. and Subject</th>
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<tbody>
<tr>
<td><strong>10.1</strong> Budget Timetable</td>
<td></td>
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<tr>
<td><strong>Author:</strong> June Austin, Acting General Manager Business &amp; Governance</td>
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</tbody>
</table>

Moved Cr Watson
Seconded Cr Skevington
That the reports on delegated authority and information items be received and the contents therein be noted by the Rating Policy Review Advisory Committee.

CARRIED

11. PROCEDURAL MATTERS

11.1 QUESTIONS WITHOUT NOTICE
NIL

11.2 QUESTIONS ON NOTICE
NIL

11.3 DEFERRED MOTION
NIL

11.4 NOTICE OF MOTION
NIL

11.5 MOTIONS WITHOUT NOTICE
NIL

12. CONFIDENTIAL ITEMS
NIL
13. **MEETINGS**

The next ordinary meeting of Light Regional Council **Rating Policy Review Advisory Committee** will be held on Tuesday, 19 February 2013, commencing at 7:00pm in the Meeting Room, 93 Main Street, Kapunda.

14. **CLOSURE**

The meeting was declared closed at 7:38pm

Minutes of meeting confirmed at a meeting of Council held on Tuesday, 19 February 2013.