

## APPENDICES

## APPENDIX 1

12 March 2019

Mrs Anne O'Reilly  
Director Corporate & Community Services  
Port Augusta City Council

Dear Anne,

I am applying for a review of the outcome of the Discretionary Rate Rebate application (as per policy no.1.1.05) which was decided at the council meeting on 24 September 2018. The council refused my application saying that I was excluded from receiving a 'Cap' on my General rates because there had been a change of ownership in the preceding 18 months.

However, I have since discovered that 2 years ago, 9 properties, including the property I now own, were granted rebates despite ownership change in the prior 18 months. Council granted these rebates to minimise the impact resulting from the removal of the 'maximum cap'. Subsequent years has seen the capping rebate continue to be provided to assessments to limit the increase in rates to a set percentage for that rating year.

All I am asking for is to receive the same consideration from council that they have provided to other ratepayers in previous years.

Councils are able to grant discretionary rebates per section 166 of The Local Government Association Act 1999

(m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

- (i) 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
- (ii) a liability that is unfair or unreasonable;

I would consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.

Rates are a tax on land and not on a person who owns the land, the land value has not changed. My next door neighbour who has the same size block and site value as me is currently paying \$3588. My rates are \$5503, which is \$1915 more than my neighbour and an increase of 43% from the 2017/18 rates.

I look forward to hearing from you regarding this matter.

Yours Faithfully,  
Jodie Harris  
26 Marcus Place, Port Augusta.

## APPENDIX 2

## Tracy Riddle

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**From:** AARON HARRIS <aaronandjodie@bigpond.com>  
**Sent:** Thursday, 11 April 2019 1:42 PM  
**To:** Tracy Riddle  
**Subject:** Re: SECTION 270 REVIEW – DISCRETIONARY RATE REBATE (KJ 190086)  
**Attachments:** Response from PA Council.pdf; Letter to Council 20AUG2018.pdf; Review of Council decision J Harris 26 Harcus Place.pdf; Re Agent contact.eml.msg

**Matter:** 190086  
**Saved:** -1

Hi Tracy

In the letter that I received from the council (attached) when they refused my application for a discretionary rebate, they say the exclusion from the cap is clearly stated in the Certificate of Liabilities provided to the Real Estate Agent. However, when I spoke to the Real Estate agent Greg Kipling the day after I questioned this exclusion at council, he told me that he was not aware of it.

I then spoke to my conveyancer and 2 more Real Estate agents; Mick Gilbert & Michael Rowbottom from First National and none of them were aware of this Council policy. I have attached the email conversation that I had with Greg Kipling to support my account of this matter.

It seems very strange that all of these people that deal with House sales everyday were NOT aware of this exclusion until the day after I went to council. Coincidentally my visit to council then prompted council staff to send an email to all the local Real Estate Agents "reminding" them of the capping policy for new homeowners.

Surely this shows that it is not clearly stated and more importantly understood, if all of these people were not aware of it. Council say that it was out of their control, but they could easily make it more visible in their paperwork that they provide to Real Estate agents.

Have the council provided you with the information that shows they gave a rebate in 2016 to the previous owners of our property (assessment 9004) even though they hadn't lived in the property for more than 18 months prior?

There appears to be significant inconsistencies with decision making processes & outcomes of Council in recent years. Provision of clear information and consistent application of policies should be a minimum expectation for all Ratepayers. In our case, we certainly feel these inconsistencies have resulted in us being treated unfairly and being unreasonably burdened financially.

The rates on my previous property in Port Augusta were \$1800 and as such were never subject to a cap, so I was not aware this was applied to other properties. The rates on my property are now \$5503, compared to my neighbours of \$3588. My rates have increased by 43% from the previous financial year; rates are a tax on land and not on a person who owns the land, the land value has not changed.

Please feel free to contact me on 0456 892 305 or via email if you have any questions.

Kind regards  
Jodie Harris

----- Original Message -----

From: "Tracy Riddle" <triddle@kelledyjones.com.au>  
To: "aaronandjodie@bigpond.com.au" <aaronandjodie@bigpond.com.au>  
Sent: Friday, 5 Apr, 2019 At 4:01 PM  
Subject: SECTION 270 REVIEW – DISCRETIONARY RATE REBATE (KJ 190086)

Dear Ms Harris

Please find **attached** a letter in relation to your request of 12 March 2019 for a review pursuant to section 270 of the *Local Government Act 1999*.

Regards

Tracy

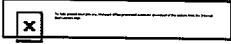
**Tracy Riddle**

Lawyer



T. 8113 7106 | M. 0431 867 523 | E. [triddle@kellyjones.com.au](mailto:triddle@kellyjones.com.au) W. [kellyjones.com.au](http://kellyjones.com.au)

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**Port Augusta**  
CITY COUNCIL

F18/236  
AR18/ 38466

26 September 2018

Mrs J M Harris  
26 Marcus Place  
Port Augusta West SA 5700

Dear Jodie

Application for Discretionary Rebate – Assessment 9004

I refer to your application for a Discretionary Rebate of general rates for your property at 26 Marcus Place, Port Augusta West (Assessment number 9004).

This matter was discussed, in confidence, by the Council at its meeting on Monday 24 September 2018. The Council resolved not to provide the discretionary rebate that you applied for under section 166 of the *Local Government Act 1999* ('the LG Act').

As part of the discussions and in support of the Council decision to refuse your application, the Council noted that from the 2012/2013 rating year, following substantial changes in site valuations across Port Augusta and Stirling North, the Council determined that it was appropriate to grant, pursuant to section 166(1)(l)(ii) of the LG Act, a discretionary rebate in the nature of a 'cap' on the general rate, in order to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer. Exclusions applied to eligibility for this rebate, including where there had been a change of ownership in the preceding 18 months.

The rationale which supports the relevant exclusion is that the change of ownership triggers the cap to be removed because the site value is already in place when the ownership changes, i.e. the new owner has not experienced the increase in site value and resultant sudden increase in the liability for the general rates

The exclusion from the cap was clearly stated in the Certificate of Liabilities that was provided to the Real Estate Agent acting on your behalf. Therefore, the Council has met its legal obligation in providing this advice to your agent. It is acknowledged that you have stated that the Real Estate Agent did not provide the full Search Report to you. Whilst this is unfortunate, it is a matter that is outside of the control of the Council.

The Council also resolved to request the REISA to review the adequacy of Form 7 as some of their members seem to be having difficulty in interpreting the information in relation to rate rebates.



Finally, whilst the Council considers that it has now appropriately and reasonably completed its official functions in relation to this matter, you are, of course, able to further pursue the issue with the SA Ombudsman should you choose to do so.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A O'Reilly', written in a cursive style.

Anne O'Reilly  
Director Corporate & Community Services

26 Marcus Place  
Port Augusta SA 5700

20 August 2018

Mr John Banks  
Port Augusta City Council  
4 Mackay St  
Port Augusta SA 5700

Dear Mr Banks

I am writing to you seeking an explanation of the inconsistencies in the council rate notices for 2018/19 and the unfair council capping policy that is burdening some ratepayers with significant increases.

We were shocked to receive our rates notice on Thursday 9th August, I immediately rang the Council to find out how they had increased by 43% from the previous year and was told that I needed to speak to Sally Thomas. I attended the council building on Thursday afternoon and spoke to Sally who informed me that the site value had not changed at all, however, I was no longer entitled to receive capping that the previous owners had received on my property due to the Council's capping policy.

Sally said that I should have been informed about this change by either the Conveyancer or Real Estate agent when I was looking at the property. This did not happen. I rang Rosa Manno at Johnston Withers when I left council and asked her if she was aware of this council policy, she said that she was not aware and had she known she would have told me. I also rang the real estate agent Greg Kipling the next day he said he didn't know about it either, but coincidentally he had received an email from council earlier that morning, sent to all real estate agents in Pt Augusta, reminding them of the capping rebate policy for new homeowners. This was information that Greg said he had never received from council before.

When buying this property we had been told what the current rates were and I was concerned about the rates for Marcus Place being \$2000 more than I was already paying. I would have reconsidered purchasing the property if I knew that my rates were going to increase so much more on transfer and what I could potentially be paying in subsequent years, however I was not given any indication of what the rates might be, so I was unable to make an informed decision. I have been a ratepayer in Port Augusta for 12 years but my rates in Davenport St have never had a capping amount so I wasn't aware of this being applied to other properties.

I have spoken with the Local Government Association Ombudsman, who suggested that I write this letter in the first instance as *The Local Government Association Act 1999* S.166 (1) (m) allows individual councils to grant discretionary rebates 'where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

- (i) 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
- (ii) a liability that is unfair or unreasonable;

I believe it is reasonable to consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.'

The *Local Government Association Act 1999* S. 153 (2) states 'a council must, in fixing its rates for the purposes of this section, consider issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community'. Other residents in Marcus Place have the same site value as me and their rates are \$3588, I get the same services, such as waste collection and access to other council services as everybody else, so I don't understand why my council rates can be almost \$2000 more than my next door neighbour. This is not consistent or comparable.

The local government Association website says that on average South Australian households pay \$25 per week for their rates, however mine are set at \$105.83 per week, more than four times the average.

The Port Augusta Council's Annual Business Plan & Budget 2018/19 states [pg 14] their intention "to increase operating revenue without materially increasing rates" however by removing the rate capping for some and not others it has had a significant impact on some ratepayers.

We feel we have been penalised for investing in Port Augusta and purchasing a house that meets the needs of our growing family. It has turned the purchase of a dream house into a reality of sleepless nights wondering why and how we can be discriminated against in this way. We believed that Council rates were set for a property not an individual ratepayer.

We would like to discuss this matter with you at a mutually convenient time so that you can explain this inequality, because saying it is a council policy is not a satisfactory reason to discriminate in this way.

Yours Sincerely

Jodie and Aaron Harris

12 March 2019

Mrs Anne O'Reilly  
Director Corporate & Community Services  
Port Augusta City Council

Dear Anne,

I am applying for a review of the outcome of the Discretionary Rate Rebate application (as per policy no.1.1.05) which was decided at the council meeting on 24 September 2018. The council refused my application saying that I was excluded from receiving a 'Cap' on my General rates because there had been a change of ownership in the preceding 18 months.

However, I have since discovered that 2 years ago, 9 properties, including the property I now own, were granted rebates despite ownership change in the prior 18 months. Council granted these rebates to minimise the impact resulting from the removal of the 'maximum cap'. Subsequent years has seen the capping rebate continue to be provided to assessments to limit the increase in rates to a set percentage for that rating year.

All I am asking for is to receive the same consideration from council that they have provided to other ratepayers in previous years.

Councils are able to grant discretionary rebates per section 166 of The Local Government Association Act 1999

(m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

- (i) 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
- (ii) a liability that is unfair or unreasonable;

I would consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.

Rates are a tax on land and not on a person who owns the land, the land value has not changed. My next door neighbour who has the same size block and site value as me is currently paying \$3588. My rates are \$5503, which is \$1915 more than my neighbour and an increase of 43% from the 2017/18 rates.

I look forward to hearing from you regarding this matter.

Yours Faithfully,  
Jodie Harris  
26 Marcus Place, Port Augusta.

## Tyler Johns

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**From:** Greg Kipling <greg.kipling@pa.rh.com.au>  
**Sent:** Monday, 27 August 2018 9:39 PM  
**To:** Jodie  
**Subject:** Re: Agent contact

Hi Jodie, I got a text message from Sam tonight asking me to contact him tomorrow. I'm going to get him to come to my office and let him know in no uncertain terms that we didn't know about it until you complained and the council sent us an email. None of the agents I've spoken to knew about until they got the same email I did. Rosa Manno, who is very professional didn't know about it either. I intend to show Sam the search and where it should have been recorded and not buried in a one line comment on a page containing the bin information.

Regards, Greg

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**From:** Jodie <aaronandjodie@bigpond.com>  
**Sent:** Monday, 27 August 2018 8:35:03 PM  
**To:** Greg Kipling  
**Subject:** Re: Agent contact  
Hi Greg

I went along to the council meeting tonight to get some answers about their capping policy and the removal of capping for new property purchases, the mayor, Sam, basically said that any Real Estate agent who said they did not know about that policy needs to ring him because he doesn't believe them.

I would appreciate if you could ring him & tell him that you didn't know prior to the email that you received from council on the 10th of August as he doesn't believe me!

It would help my case if I can prove that it was their lack of disclosure that resulted in my not being sufficiently informed prior to purchasing the property.

Thank you

Kind regards

Jodie Harris

On 24 Aug 2018, at 1:49 pm, Greg Kipling <greg.kipling@pa.rh.com.au> wrote:

Hi Jodi,

See attached the council search with the pages attached you requested

Regards,

Greg Kipling

Raine and Horne Port Augusta

Shop 1 – 6 Church Street

PORT AUGUSTA SA 5700

Ph: 08 86423655 Fax: 08 86422141

RLA 216874

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**From:** Jodie Harris [mailto:admin@rh.com.au]

**Sent:** Friday, 24 August 2018 10:48 AM

**To:** Greg Kipling <greg.kipling@pa.rh.com.au>

**Subject:** Agent contact

This email was created on [rh.com.au](http://rh.com.au) and sent by [aaronandjodie@bigpond.com](mailto:aaronandjodie@bigpond.com)



## Contact Agent:

[greg.kipling@pa.rh.com.au](mailto:greg.kipling@pa.rh.com.au)

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**From:** Jodie Harris [aaronandjodie@bigpond.com](mailto:aaronandjodie@bigpond.com)

**Phone:** 0456892305

**To:** [greg.kipling@pa.rh.com.au](mailto:greg.kipling@pa.rh.com.au)

The [raineandhorne.com.au](http://raineandhorne.com.au) customer, **Jodie Harris**, has the following enquiry:

*Hi Greg can you please email me pages 11, 12 & 13 of the council search that were missing from my documents. Regards  
Jodie Harris*

JODIE HARRIS

Please respond to this enquiry at your earliest convenience.  
This is an automatic notification.

Kind regards,

**Raine & Horne Team**

## APPENDIX 3





# Port Augusta

CITY COUNCIL

## 1. STATUTORY POLICY/PROCEDURES/CODE OF PRACTICE

### 1.1 LOCAL GOVERNMENT ACT 1999 - GOVERNANCE

POLICY NUMBER	1.1.05	Public Document?	Council or Administration		PAGES	8
		Yes	Council			
SUBJECT						
INTERNAL REVIEW OF A COUNCIL DECISION						
COUNCIL MEETING	AR17/29063	ISSUE DATE	24/7/2017	REVIEW DATE		DELETED DATE
EXTERNAL LEGISLATION			INTERNAL REFERENCES			
Section 270 <i>Local Government Act 1999</i>			LGA - Ombudsman Enquiry Procedure - A guide for Councils 2010			
RELATED POLICIES			RESPONSIBLE OFFICER			
Customer Service Policy 2.2.03 Requests for Service Policy 2.2.10 Complaints Handling Policy 2.2.09 Whistleblowers Policy 2.4.01 Fraud & Corruption Policy 2.6.08			Chief Executive Officer			

## SECTION A

### 1.0 POLICY STATEMENT

#### 1.1 Council's Commitment

Council, its committees, staff and contractors make decisions every day which impact on members of the community. It is imperative that these decisions are fair, objective and subject to review.

Council is committed to open, responsive and accountable government. This includes providing processes by which citizens adversely affected by a decision of Council can have their grievances considered.

This procedure will be widely accessible to ensure that customers are fully aware of their right to request the review of a decision and the process that will be followed.



Everyone will be treated equally, in accordance with good administrative practice.

Council's procedures are designed to ensure that:

- a) Every person has the opportunity to make an application for review of a decision covered by this procedure.
- b) An unbiased review is undertaken.
- c) Outcomes of a review are based on sound evidence.
- d) Applicants receive information about the outcome of the review.

## **2.0 PURPOSE**

- 2.1 This procedure is required by Section 270(1) of the *Local Government Act 1999* and forms part of the Council's processes for dealing with complaints.

## **3.0 RESPONSIBILITY & REVIEW**

- 3.1 Chief Executive Officer
- 3.2 To be reviewed within 12 months after a General Election, in line with any legislative changes or by resolution of Council.

## **SECTION B**

### **4.0 SCOPE**

#### **4.1 Introduction**

The Council will review certain types of decisions in accordance with this procedure.

This document sets out:

- a) the decisions which are subject to review;
- b) the method of applying for a review;
- c) the review process; and
- d) record keeping requirements.

#### **4.2 Customer Complaints**

This procedure forms part of the Council's Complaints Handling Procedure. The Complaints Handling Procedure is available to the public via Council's Website [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au) under 'The Council', 'Council Documents', 'Policies' - then click on the Statutory Manual.

In summary, the Council has a three-tier process for managing complaints.

##### **4.2.1 Immediate response to resolve the complaint**

All staff are empowered to handle complaints in the first instance and it is preferable that a complaint is dealt with promptly at the initial point of contact and at the appropriate officer level.

##### **4.2.2 Complaint escalated to a more senior officer**

A complaint will be directed to a more senior officer in the Council, where circumstances indicate that the complaint would be more appropriately handled at a higher level. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level, or where a complaint concerns a matter that ranges across more than one Council work area.

#### 4.2.3 Internal Review of a Council Decision

Internal review of a Council decision will be in accordance with this procedure. This procedure enables the Council to reconsider all the evidence relied on to make the original decision and additional available evidence if relevant. This procedure is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the Chief Executive Officer (CEO).

An application for review should only be made once the other mechanisms under the Complaints Handling Procedure have been undertaken as these may resolve the matter more quickly. As the third tier in Council's complaints handling process, review under this procedure will generally apply when matters cannot be resolved satisfactorily under the other two tiers.

#### 4.3 Key Principles

The procedure for reviewing decisions is based on five principles. These principles are:

- Fair treatment: which requires impartiality, confidentiality and transparency at all stages of the process.
- Accessibility: to be accessible there must be broad public awareness about Council's policies and procedures and a range of contact options.
- Responsiveness: this will be achieved by providing sufficient resources, well trained staff and ongoing review and improvement of the Council's systems.
- Efficiency: requests and complaints will be resolved as quickly as possible, while ensuring that they are dealt with at a level that reflects their level of complexity.
- Integration of different areas of Council where the matter under review overlaps functional responsibilities.

#### 4.4 Decisions subject to review

Decisions of:

- a) the Council;
- b) employees of the Council; and
- c) other persons acting on behalf of the Council,

may be subject to review under this procedure. The nature of this review is a merits review which could lead to the original decision being affirmed, varied or revoked.

Not all actions by a Council, employees of a Council or other person acting on behalf of a Council will be a decision. For example actions taken during the process of decision-making (i.e. investigations, requests for further information, internal consideration of the matter or referral of the matter to an external adviser) are not decisions. A decision is made when a matter, issue or query is actually determined. Once a matter, issue or query is determined, the decision may be susceptible to review in accordance with this procedure.

Some decisions made by the Council, a Council employee or on behalf of the Council are subject to review or appeal processes set out in legislation. This procedure cannot override or operate inconsistently with these statutory processes. Consequently where legislation provides for the review of, or appeal from, a type of decision, a decision of that type will not be reviewed under this procedure. Examples include:

- a) objections to valuations made by the Council;
- b) appeals against orders made pursuant to Section 254 of the *Local Government Act 1999*;
- c) appeals against the issuing of litter abatement notices under the *Local Nuisance and Litter Control Act 2016*;
- d) appeals against destruction and control orders issued under the Dog and Cat Management Act 1995;
- e) review of an expiation notice under the Expiation of Offences Act 1996; and
- f) external review processes under the Development Act 1993 and the Freedom of Information Act 1991.

Where legislation specifically excludes a type decision from review either expressly or by necessary implication, this procedure cannot operate inconsistently with the legislation. Similarly, a review under this procedure could not vary or revoke a decision which has operative effect under legislation from the time the decision is made. For example, some development approvals under the Development Act are intended to have operative effect from the time the decision is made and are not capable of being varied or revoked by Council.

Where legislation specifically provides for an internal review process, that process will apply rather than the process set out in this procedure. For example, internal review of a determination under the *Freedom of Information Act* or withdrawal of an expiation notice issued by the Council under Section 16 of the *Expiation of Offences Act*.

## 4.5 Applying for a review

### 4.5.1 Who can apply?

A person with a sufficient interest in a decision of the Council, a council employee or person acting on behalf of the council, may make a written application for a review of that decision. An application for a review of a decision can be made within 6 months of the decision being made (unless a longer period for submitting a particular application is approved by Council).

A person who is not the direct subject of a decision may have a sufficient interest in the decision to seek a review under this procedure. For example, a person may have a sufficient interest in a Council decision regarding the number of dogs which may be kept within a neighbour's property.

### 4.5.2 Internal Review Contact Officer

An Internal Review Contact Officer (IRCO) appointed by the CEO is the initial point of contact for applicants.

The role of the IRCO is to:

- explain the procedure to the applicant and explore any alternative options to resolve the matter, such as alternative dispute resolution prior to an application for review;
- acknowledge the receipt of an application for review;
- maintain a register of all applications for review received and the outcomes of the applications;
- outline the timeframes involved and the action to be taken in the first instance;
- undertake a preliminary investigation to determine what actions have already been taken to try to resolve the matter;

- keep the applicant informed of progress;
- ensure adequate records are maintained; and
- report to Council at prescribed intervals on all applications lodged for review.

All applications for review are to be referred to the IRCO immediately.

A person seeking review of a Council decision who attends at the Council's offices personally or by telephone call should be referred to the IRCO. The IRCO will discuss this procedure with the person and indicate that an application for review must be lodged in writing.

#### 4.5.3 Assistance with applying for review

It is essential that no one is excluded from lodging an application for review because of any difficulties they may have representing themselves. All Council staff are expected to offer assistance where appropriate and provide it on request, including assistance in documenting the reasons for the review in writing when circumstances warrant.

If necessary, access to interpreters, aids or advocates should be arranged to ensure that an applicant is treated equitably and has access to the review process.

#### 4.6 Form of application

An application for review must be in writing and set out the reasons for applying for the review (that is, why the applicant believes that the decision is wrong). Although Council can be expected to have information and material relevant to the matter under review, an application for review may also include additional, relevant information or evidence to support the application.

#### 4.7 Council response to an application

The IRCO is responsible for:

- determining whether or not the decision is subject to review under this procedure;
- working in conjunction with appropriately delegated officer to determine how the review will be handled;
- advising the applicant of the process to be undertaken and the time of the next contact; and
- ensuring the application is properly lodged and assigned.

Applications for a review of a decision must be responded to within (1) business days, acknowledging receipt and advising of the expected timeframe for dealing with the matter. Council will use its best endeavours to ensure that a review of the decision will be completed within (21) business days. However, if the decision is to be reviewed by the elected Council, a Council Committee or an external investigator reporting to the elected Council or Council Committee, there may be delays caused by meeting cycle timelines. In more complex cases, a review may take longer.

The applicant will be regularly informed of progress, either by email, letter or telephone.

The Council is entitled under the *Local Government Act* to refuse to consider an application for review if:

- the application is made by an employee of the Council and relates to an issue concerning his or her employment;
- It appears that the application is frivolous or vexatious; or

- c) the applicant does not have a sufficient interest in the matter.

Where a matter has been referred to the Local Government Association Mutual Liability Scheme (LGAMLS) in respect to a claim or potential claim against the Council or in response to a threat of legal action against the Council, an application for review of a decision in connection with that claim or action (including the decision to refer the matter to the LGAMLS) will be vexatious.

#### 4.8 Applications for a review of the impact of rates or services charges

If the Council receives an application for a review of a decision concerning the financial impact of Council rates or services charges, these will be dealt with as a matter of priority. Where circumstances warrant, Council will consider financial relief or the granting of concessions in line with the provisions of the *Local Government Act*.

#### 4.9 Undertaking a review

##### 4.9.1 Reviewer

The elected Council will be the reviewer:

- a) when the decision being reviewed was made by a committee of the Council or the CEO;
- b) when the decision relates to civic and ceremonial matters; and
- c) in other circumstances as determined by the CEO or resolution of the Council.

Where the decision is a decision of the elected Council, the reviewer will be an external person or body who will report the outcome of the review to the Council. The Council will consider the outcome of the review and determine whether to affirm, vary or revoke the reviewed decision.

Where the elected Council is not the reviewer, a reviewer will be chosen from the following:

- CEO
- A panel comprising of Council Members and Senior staff
- An external person or body

Wherever possible and appropriate, Council will seek to involve an external person or panel to assist with the review, including the enlistment of employees of other Councils.

##### 4.9.2 Role of Reviewer

The reviewer will undertake a merits review of the decision.

The reviewer should consider all materials and information which were available to the original decision maker and any additional relevant material and information which has been provided or become available during the course of the review.

The reviewer will 'stand in the shoes' of the original decision-maker and determine the decision appropriate on the basis of the relevant circumstances and available information and materials.

##### 4.9.3 Providing 'Procedural Fairness'

The reviewer will observe the principles of procedural fairness (also called 'natural justice') when undertaking the review.

To observe the principles of procedural fairness:

- a) an applicant is entitled to put forward information and materials in support of the application for review;
- b) be informed of the proposed outcome of the review, have the opportunity to make submissions to the reviewer on the outcome and have these submissions taken into account; and
- c) the reviewer must not have a bias or perceived bias in respect of undertaking the review.

#### 4.9.4 Providing Reasons

While there is no statutory requirement to give reasons for a decision, Council will always give reasons to explain the outcome where:

- a) a decision is not in accordance with a Council policy;
- b) a decision is likely to detrimentally affect rights or interest of individuals (or organisations) in a material way; or
- c) conditions are attached to any approval, consent, permit, licence or other authorisation.

#### 4.9.5 Refusing an application for review

Council, or a person assigned to consider the application, may refuse to consider an application for review if:

- a) the application is made by an employee of the Council and relates to an issue concerning his or her employment;
- b) it appears that the application is frivolous or vexatious; or
- c) the applicant does not have a sufficient interest in the matter.

Refusing an application for review will not be done lightly and reasons for the refusal (see Clause 4.9.4) will document the evidence on which a refusal is based.

#### 4.9.6 Outcome of review

Where the reviewer is the elected Council, the elected Council should determine whether to affirm, vary or revoke the original decision.

Where the reviewer is a Council employee, the employee may determine whether to affirm, vary or revoke the original decision if authority to make the decision has been delegated to that employee. If the reviewer does not have a delegation enabling the making of the decision, then the reviewer should report the outcome of the review to the elected Council (or delegate) for a determination as to whether the decision should be affirmed, varied or revoked.

Where the reviewer is an external person or body then the reviewer should report the outcome of the review to the elected Council for a determination as to whether the decision should be affirmed, varied or revoked. An external reviewer cannot vary or revoke a decision made by or on behalf of Council.

## **6.0 STAFF RESPONSIBILITIES**

### **6.1 Records Management**

All documents, notes, photographs and correspondence must be retained and stored in accordance with Council's Records Management protocols as required by Section 125 of the *Local Government Act*.

All applications must be recorded in Council's records management system in such a way that the information can also be analysed for service improvement opportunities.

### **6.2 Internal Review Contact Officer**

The IRCO will submit a report to Council annual about Section 270 applications for review of a decision, including:

- a) the number of applications for review made under this procedure;
- b) the types of matter to which the applications relate;
- c) the outcomes of applications under this procedure; and
- d) any other matters as may be prescribed by the regulations.

The IRCO will also report on how the outcomes have been used to improve Council's customer service, policies, procedures and practices.

This information, as specified in Section 270(8), will be included in Council's Annual Report.

- 6.3** The CEO has appointed the Director - City & Cultural Services as Council's Internal Review Contact Officer.

## **SECTION C**

### **8.0 FORMS AND ATTACHMENTS**

- 8.1** Protocol - Ombudsman Enquiry Procedure - Appendix A



**Local Government Association**  
of South Australia

The **Voice**  
of Local  
Government

# **PROTOCOL – OMBUDSMAN’S ENQUIRY PROCEDURE**

**A Guide for Councils**

**December 2010**



## 1. Purpose

The purpose of this protocol is to ensure that Councils and Council staff are aware of the procedures applied by the SA Ombudsman's Office in dealing with complaints it receives relating to Councils. It is also intended to facilitate the prompt and proper response by Councils to enquiries or investigations arising from these complaints, to ensure the proper documentation and record-keeping in a Council's records management system and appropriate internal communication through the levels of management.

## 2. Background Information

- 2.1 Under the *Ombudsman Act 1972*, the Ombudsman may investigate matters raised by complainants or referred from other sources. Complaints can be made to the office via:
- Personal visit
  - Letter
  - Email contact via the SA Ombudsman's website  
<http://www.ombudsman.sa.gov.au/index.php?page=contactus>
  - Telephone.
- 2.2 In many cases, an Assessment Officer from the Ombudsman's office undertakes preliminary enquiries to seek further information from the complainant and/or the Council to determine whether there are grounds to commence a full investigation. A preliminary enquiry may include an enquiry by telephone or email to any officer in the Council. These preliminary enquiries are usually directed to the officer directly involved in the matter about which the complaint is made.
- 2.3 If, in the first instance, the Assessment Officer considers there is sufficient information and the complaint warrants a full investigation, this may commence without any further preliminary enquiries.
- 2.4 If a complainant has not complained first to the Council, it is Ombudsman policy to refer the matter back to the Council in the first instance, to enable the Council to address the complaint. However, depending on the circumstances, this may not be appropriate (for example, a complaint made under the *Whistleblowers Protection Act 1993*).
- 2.5 The Ombudsman will always consider whether there are any underlying systemic issues in complaints which warrant investigation and this can lead to the widening of an investigation beyond the particular issue raised by a complainant. There are also issues that arise independently of complaints and investigations of these issues may be conducted on the Ombudsman's own initiative (s.13 (2) of the *Ombudsman Act*).
- 2.6 A copy of the investigation framework for Ombudsman's investigations is attached - see Attachment A.

## 3. Protocols

- 3.1 Subject to the requirements of the *Ombudsman Act*, the Ombudsman can determine the procedure for an investigation. The procedure may therefore vary from case to case. The Ombudsman may also, at any time, decide to attempt to deal with the complaint through conciliation.

### **Preliminary Enquiries**

- 3.2 The Ombudsman has no obligation to inform a Council that a preliminary inquiry is being carried out. The Assessment Officer will determine to which Council officer (or officers) they will direct preliminary enquiries.
- 3.3 The relevant Council officer should respond to these enquiries promptly, accurately, fully and respectfully, cooperating fully with the Assessment Officer and report the matter to the CEO through the appropriate manager.

- 3.4 Where a Council officer is unable to respond to the query, or is unsure of the complete answer, the matter should be promptly referred to the relevant team leader or departmental manager.
- 3.5 All details of the enquiry should be recorded in a file note, including:
- Name and contact details of the Assessment Officer
  - Name and address of the complainant (where known)
  - Information provided to the Assessment Officer
  - Cross references to any other relevant information or Council records
  - Agreed actions and/or outcomes.
- [A pro-forma for the suggested file note is at Attachment B]
- This is an essential record in the event that the matter progresses to full investigation.
- 3.6 The file note should be incorporated into the Council's records management system and a copy provided to your Manager [and Group Manager] for their information. The CEO should also be informed of the enquiry.
- 3.7 Follow up information may be requested by the Assessment Officer by email or phone call. The appropriate Council officer should respond to these requests promptly, fully, accurately and respectfully. A copy of the follow up email and the response should be incorporated into the Council's records management system and a copy provided to the appropriate Manager [and Group Manager] for their information. File notes should also be made of the contents of any telephone conversations with the Assessment Officer. The CEO should be informed of the enquiry.
- 3.8 All correspondence from the Ombudsman is to be responded to in writing, signed by the CEO [or relevant Group Manager].
- 3.9 Preliminary inquiries provide an opportunity to clarify the issues and to resolve the matter in the initial stages. A Council should therefore endeavour to provide all relevant materials and information to assist in avoiding escalation to a full investigation.
- 3.10 A CEO should use judgement as to whether the preliminary enquiry is likely to identify issues that should be reported to the Council.

### **Full Investigations**

- 3.11 If a full investigation proceeds, the following procedure sets out a typical example of a process that might be followed. Some of these steps are mandated by legislation, while others are the result of the Ombudsman's policy, which may change from time to time.
- 3.12 The Ombudsman must, by law, inform the principal member (Mayor/Chairperson) that an investigation will be commenced. This will usually be done by a letter to the Mayor/Chairperson with a copy to CEO. Sometimes the Ombudsman will direct the Mayor/Chairperson and CEO not to disclose the fact, nature or scope of the investigation to the full Council, if he or she judges that confidentiality is required.
- 3.13 The Ombudsman may take the following measures to prevent the disclosure of information to others, and to protect the confidentiality of documentary information:
- The Ombudsman may assert an implied power from section 18(2) and section 18(6)) to require secrecy.
  - The Ombudsman may make an order pursuant to section 16A of the *Royal Commissions Act 1917*
  - The Ombudsman may invoke section 22
  - The Ombudsman may consider section 18(6), which provides that, subject to the Act, the procedure to be adopted in relation to an investigation will be as determined by the Ombudsman.
- 3.14 Where the Ombudsman does not make a direction under section 18(6) that the nature of the investigation must be kept confidential, the Mayor/Chairperson should consider whether to inform the full Council. However, before doing so, the Mayor/Chairperson should take the precaution of obtaining the Ombudsman's agreement to that course of action. The

information about the Ombudsman's investigation should be provided at an ordinary Council meeting. Depending on the circumstances of the particular investigation, it may be appropriate to provide the information in confidence. Sections 90(3)(a), 90(3)(g) and 90(3)(j) concerning respectively 'personal affairs', 'duty of confidence' and 'disclosure of information provided by a public official' may provide a basis for a Council going into confidence.

- 3.15 The letter will usually contain information about the nature of the matter under investigation and will generally include the name of complainant and the nature of complaint (if the investigation is a result of a complaint).
- 3.16 The investigation must be conducted in private and may involve multiple requests for further information, by letter, email or telephone. It may also involve interviewing Council staff, Council Members and members of the public. A person may be interviewed more than once and should provide all relevant information known to the person.
- 3.17 Where a complaint involves Council staff or a Council Member and potentially provides grounds for disciplinary action, the Ombudsman must, by law, advise the Mayor/Chairperson of any evidence of breach of duty or misconduct. As a matter of policy, the Ombudsman will advise in writing. This will enable appropriate internal investigations to proceed as appropriate (note that investigations of an industrial nature do not fall within the Ombudsman's jurisdiction). As a general rule, advice on these matters will be copied to the Council CEO, but this may depend on the nature of the allegations and the identities of the parties involved.
- 3.18 Under the rules of procedural fairness, the Ombudsman will allow the staff member or Council Member concerned an opportunity to comment on the allegations, before advising the Mayor/Chairperson.
- 3.19 Before finalising a report affecting the Council, the Ombudsman must give the Mayor/Chairperson a reasonable opportunity to comment on the subject matter of the report. This provides an opportunity to correct any errors of fact or to provide further information which may mitigate the issues dealt with in the report. For example, if the Council or CEO has taken steps to reform particular procedures or to establish new policies, this should be stated in response to the draft report.
- 3.20 It is important for Councils to acknowledge any failings in the administrative system and to learn the lessons inherent in any findings of poor administration. If failings are identified, Council should move to address them immediately rather than waiting for the Ombudsman's final recommendations.
- 3.21 The Ombudsman can investigate any 'administrative act' (s.3 of the *Ombudsman Act*) which gives him or her a broad jurisdiction for enquiries. While the Ombudsman cannot investigate policy decisions, he or she can 'look behind' the policy and investigate the administrative decisions that led to the policy.
- 3.22 Section 25 of the *Ombudsman Act* sets out the general findings that an investigation can reach. These include findings that an administrative act appears to have been contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or wrong. It is important to note that the Ombudsman can find that an administrative act was in accordance with law, but was nevertheless unreasonable or unjust, etc in its outcome.
- 3.23 In general, materials produced by Ombudsman SA should be kept confidential whilst an investigation is underway. When an investigation is completed, the investigation report can be made publicly available. During an investigation Ombudsman SA will seek to ensure that the contents of any letters or reports relating to the investigation are kept confidential.
- 3.23 It is an offence to obstruct, hinder or resist the Ombudsman in the exercise of his or her powers (s.24 of the *Ombudsman Act*)

4. **References**

- *Ombudsman Act 1972*
- *[Complaints Handling Policy]*
- *Attachment A – The Ombudsman of SA – Investigations*
- *Attachment B – Pro Forma File Note*

Reference Number:	
First Issued/Approved:	
Review Frequency:	
Last Reviewed:	
Next Review Date:	
Responsible Officer/s:	
Council File Reference:	
Related Policies:	

## The Ombudsman of South Australia - Investigations

The Ombudsman of South Australia is established by section 6 off the *Ombudsman Act 1972 (the OA)*. Note that unless otherwise indicated, all of the sections referred to in this document are references to the OA. This document does not discuss every section of the OA, only those that concern investigations.

The OA sets out the things that the Ombudsman *must* or *may* do and provides the framework for how the Ombudsman conducts his or her investigations. This document sets out the statutory framework first, and then how it is implemented in an actual investigation.

### Preliminary points

- Section 3 empowers the Ombudsman to investigate the *administrative acts* of agencies as defined by the OA. Generally speaking, most South Australian State Government Departments and agencies can be investigated by the Ombudsman. So can local councils. The Ombudsman cannot investigate the South Australian Police; they are investigated by the Police Complaints Authority (phone number 8226 8677). Ministers are not agencies within the meaning of the OA and therefore he or she may not investigate Ministers or Ministers' offices.
- Section 3 provides that **administrative act** means—
  - (a) *an act relating to a matter of administration on the part of an agency to which this Act applies or a person engaged in the work of such an agency; or*
  - (b) *an act done in the performance of functions conferred under a contract for services with the Crown or an agency to which this Act applies,*

*but does not include—*

  - (c) *an act done in the discharge of a judicial authority; or*
  - (d) *an act done by a person in the capacity of legal adviser to the Crown; or*
  - (e) *an act of a class declared by the regulations not to be an administrative act for the purposes of this definition. (As at 4 August 2008, there are no regulations.)*
- Section 3 also provides that:
 

**act includes—**

  - (a) *an omission;*
  - (b) *a decision, proposal or recommendation (including a recommendation made to a Minister of the Crown),*

*and the circumstances surrounding an act.*
- Section 28 provides that any disputes about whether the Ombudsman has jurisdiction to investigate are decided by the Supreme Court.
- Section 9 empowers the Ombudsman to *delegate* his or her powers to any person. Officers who contact agencies seeking information have been delegated the power to do so under section 9.
- Section 24(a) makes it an offence to, without lawful excuse, obstruct, hinder or resist the Ombudsman or delegate in the exercise or performance of powers or functions under the OA. (Penalty \$2,000.00.)
- Section 24(b) makes it an offence to, without lawful excuse, fail or refuse to comply with any lawful requirement of the Ombudsman or delegate under the OA. (Penalty \$2,000.00.)

- Section 24(c) makes it an offence to, wilfully make any statement that is false or untrue in a material particular to the Ombudsman or delegate under the OA. (Penalty \$2,000.00.)
- The Ombudsman is an impartial investigator; not an advocate for complainants.
- The Ombudsman does not give legal advice, either to agencies or complainants.
- Section 17(3) provides that the Ombudsman must inform the complainant if the Ombudsman decides not to investigate or not to continue an investigation and give reasons for the decision.
- Section 17A provides that any time in an investigation, the Ombudsman may decide to attempt to deal with the complaint by way of conciliation.
- Sometimes, people complain about many issues and some of those issues are more serious than others. When this happens the Ombudsman may not investigate all of the issues, but will decide which are most appropriate and investigate those only.

### **Royal Commission Act 1917**

- Section 19 provides that for the purposes of an investigation, the Ombudsman has the powers of a Royal Commission.
- The Ombudsman may use the powers of a Royal Commission to obtain documents under subpoena and oral evidence under oath or affirmation. If a person gives false evidence under oath or affirmation, he or she commits an offence and could be liable to prosecution.

### **Procedure on investigation**

- Section 18(6) provides that subject to the OA, the procedure to be adopted in the investigation will be as determined by the Ombudsman.
- Section 18(1) provides that the Ombudsman may make a *preliminary investigation* of an administrative act to decide whether a *full investigation* is necessary.
- Section 18(1a) provides that if the Ombudsman proceeds to a *full investigation*, he or she must inform the *principal officer* of the agency. The identity of the *principal officer* is determined by reference to section 3. In the case of a government department, it is the *CEO*. In the case of a local council, it is the principal member of the council that is the Mayor or Chairperson.
- Section 18(3) provides that the Ombudsman is not required to hold a hearing but may do so. He or she may obtain evidence from such persons and in such manner as the Ombudsman sees fit and may determine whether any person to whom the investigation relates may have legal or other representation.
- Section 18(2) provides that every Ombudsman investigation is to be conducted in *private*.
- Section 22 provides that it is an offence (penalty \$2,000.00) for information obtained by or on behalf of the Ombudsman in the course of or for the purposes of an investigation to be disclosed *except for the purpose of the investigation and of any report or recommendation to be made under the OA or for the purposes of any proceedings under the Royal Commissions Act 1917*.
- Section 27(1) provides that the Ombudsman must inform the complainant of the result of an investigation.
- Section 27(2) provides that if a complaint is investigated, *and* the Ombudsman makes a recommendation, *and* the Ombudsman is of the opinion that reasonable steps have not been taken to implement the recommendation within a reasonable time, the Ombudsman must inform the complainant of that opinion and may make other comments *that appear appropriate in the circumstances*.
- Section 26 provides that the Ombudsman may have a report of an investigation published, in such manner as he/she thinks fit, if the Ombudsman considers it to be in the public interest or in the interests of the agency.

- Section 18(4) provides that before making a report *affecting* an agency, the Ombudsman must allow the principal officer a reasonable opportunity to comment on the subject matter of the report.
- Section 18(5) provides that the Ombudsman must report, to the principal officer of the agency, *any evidence of breach of duty or misconduct on the part of a member, officer or employee of the agency.*
- Section 19A provides that the Ombudsman may issue a notice requiring an agency to refrain from taking action in relation to a particular *administrative act.*

### **Recommendations**

- Section 25(1) provides that if the Ombudsman investigates, and is of the opinion that the *administrative act* to which the investigation relates amounts to *maladministration*, the Ombudsman may make one or more of the *recommendations* listed in section 25(2).
- *Maladministration* is the shorthand used by the Ombudsman to describe the range of conduct that he or she investigates.

- Section 25(1) does not use the word *maladministration* but instead lists the type of defects in *administrative acts* that activate the recommendation making power in section 25(2). Section 25(1) identifies the defects as follows:
  - (a) *appears to have been made contrary to law; or*
  - (b) *was unreasonable, unjust, oppressive or improperly discriminatory; or*
  - (c) *was in accordance with a rule of law or a provision of an enactment or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory; or*
  - (d) *was done in the exercise of a power or discretion and was so done for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations; or*
  - (e) *was done in the exercise of a power or discretion and the reasons for the act were not but should have been given; or*
  - (f) *was based wholly or in part on a mistake of law or fact; or*
  - (g) *was wrong.*
- Section 25(2) provides that: *In the case of an investigation to which this section applies in which the Ombudsman is of the opinion—*
  - (a) *that the subject matter of the investigation should be referred back to the appropriate agency for further consideration; or*
  - (b) *that action can be, and should be, taken to rectify, or mitigate or alter the effects of, the administrative act to which the investigation related; or*
  - (c) *that the practice in accordance with which the administrative act was done should be varied; or*
  - (d) *that any law in accordance with which or on the basis of which the action was taken should be amended or repealed; or*
  - (e) *that the reason for any administrative act should be given; or*
  - (f) *that any other steps should be taken,*

*the Ombudsman must report that opinion and the reasons for it to the principal officer of the relevant agency and may make such recommendations as the Ombudsman thinks fit.*
- Section 25(3) provides that where the Ombudsman makes a recommendation under section 25(2), the Ombudsman must provide a copy of *any report or recommendation under subsection (2) to the responsible Minister and in the case of a report or recommendation relating to the sheriff, to the Courts Administration Authority.*
- The Ombudsman may ask the agency to report back on implementation of the recommendations (section 25(4)). If the agency does not implement them within a reasonable time, the Ombudsman may report the matter to the Premier and to both Houses of Parliament with a request that the report be tabled (sections 25(5) and (6)).

[SA Ombudsman - 4 November 2008]



## Attachment B

[XYZ COUNCIL]

### FILE NOTE – Enquiry from Ombudsman’s Office

**FROM:** Author

**DATE OF ENQUIRY:** Date

**NAME OF COMPLAINANT:**

**ISSUE UNDER INVESTIGATION:**

**ASSESSMENT OFFICER:**

**COUNCIL FILE REFERENCE:**

---

[Insert text here:

- Details of enquiry
- Name and address of the complainant (where known)
- Name and contact details of the Assessment Officer
- Information provided to the Assessment Officer
- Cross references to any other relevant information or Council records
- Agreed actions and/or outcomes.

Noted:

	<i>Initial</i>	<i>Date</i>
Manager		
Group Manager		
CEO		

## APPENDIX 4

## Certificate of Title

**Title Reference:** CT 5283/688  
**Status:** CURRENT  
**Parent Title(s):** CT 5272/621  
**Dealing(s) Creating Title:** RTD 7924771  
**Title Issued:** 03/08/1995  
**Edition:** 10

## Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
19/06/2018	29/06/2018	12942287	MORTGAGE	REGISTERE D	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)
19/06/2018	29/06/2018	12942286	TRANSFER	REGISTERE D	JODIE MARIE HARRIS
19/06/2018	29/06/2018	12942285	DISCHARGE OF MORTGAGE	REGISTERE D	12481316
19/02/2016	22/03/2016	12481316	MORTGAGE	REGISTERE D	ING BANK (AUSTRALIA) LTD. (ACN: 000 893 292)
19/02/2016	22/03/2016	12481315	TRANSFER	REGISTERE D	NEIL CAMERON TUCKER, ELIZABETH MARGARET MARRACK
25/06/2009	11/07/2009	11203386	TRANSFER	REGISTERE D	BEVAN HARRY BENNETT, PAMELA JUNE BENNETT
22/12/2003	20/01/2004	9755475	TRANSFER	REGISTERE D	BEVAN HARRY BENNETT
22/12/2003	20/01/2004	9755474	DISCHARGE OF MORTGAGE	REGISTERE D	8774996
05/09/2001	19/09/2001	9171776	TRANSFER	REGISTERE D	ROCHELLE NANETTE LEHMANN, CRAIG JOHN LEHMANN
28/10/1999	11/11/1999	8774996	MORTGAGE	REGISTERE D	COMMONWEALTH BANK OF AUSTRALIA
28/10/1999	11/11/1999	8774995	TRANSFER	REGISTERE D	CRAIG JOHN LEHMANN, ROCHELLE NANETTE LEHMANN
28/10/1999	11/11/1999	8774994	DISCHARGE OF MORTGAGE	REGISTERE D	8429701
22/01/1998	02/02/1998	8429701	MORTGAGE	REGISTERE D	NATIONAL AUSTRALIA BANK LTD.
22/01/1998	02/02/1998	8429700	DISCHARGE OF MORTGAGE	REGISTERE D	8110733

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
09/05/1996	17/05/1996	8110733	MORTGAGE	REGISTERED	WESTPAC BANKING CORPORATION
12/07/1995	22/08/1995	7958889	TRANSFER	REGISTERED	DOUGLAS WARREN DAVIES, SONYA MCNIELL
12/07/1995	22/08/1995	7958888	DISCHARGE OF MORTGAGE	REGISTERED	7824345
11/11/1994	04/01/1995	7824345	MORTGAGE	REGISTERED	NATIONAL AUSTRALIA BANK LTD.

## Certificate of Title

**Title Reference** CT 5283/688  
**Status** CURRENT  
**Easement** NO  
**Owner Number** 17514657  
**Address for Notices** 26 HARCUS PL PORT AUGUSTA WEST, SA 5700  
**Area** 1807M<sup>2</sup> (CALCULATED)

## Estate Type

Fee Simple

## Registered Proprietor

JODIE MARIE HARRIS  
 OF 26 HARCUS PLACE PORT AUGUSTA WEST SA 5700

## Description of Land

ALLOTMENT 4 DEPOSITED PLAN 43094  
 IN THE AREA NAMED PORT AUGUSTA WEST  
 HUNDRED OF COPLEY

## Last Sale Details

**Dealing Reference** TRANSFER (T) 12942286  
**Dealing Date** 29/05/2018  
**Sale Price** \$447,000  
**Sale Type** FULL VALUE / CONSIDERATION AND WHOLE OF LAND

## Constraints

### Encumbrances

Dealing Type	Dealing Number	Beneficiary
MORTGAGE	12942287	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

### Stoppers

NIL

## Valuation Numbers

Valuation Number	Status	Property Location Address
6612074454	CURRENT	26 HARCUS PLACE, PORT AUGUSTA WEST, SA 5700

## Notations



### Dealings Affecting Title

NIL

### Notations on Plan

NIL

### Registrar-General's Notes

NIL

### Administrative Interests

NIL

## Valuation Record

**Valuation Number** 6612074454  
**Type** Site & Capital Value  
**Date of Valuation** 01/01/2018  
**Status** CURRENT  
**Operative From** 01/07/1995  
**Property Location** 26 HARCUS PLACE, PORT AUGUSTA WEST, SA 5700  
**Local Government** PORT AUGUSTA  
**Owner Names** JODIE MARIE HARRIS  
**Owner Number** 17514657  
**Address for Notices** 26 HARCUS PL PORT AUGUSTA WEST, SA 5700  
**Zone / Policy / Precinct** R - Residential\\  
**Water Available** Yes  
**Sewer Available** Yes  
**Land Use** 1100 - House  
**Description** 7HG DIG CP RV  
**Local Government Description** Residential

## Parcels

Plan/Parcel	Title Reference(s)
D43094 ALLOTMENT 4	CT 5283/688

## Values

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Current	\$175,000	\$400,000			

Financial Year	Site Value	Capital Value	Notional Site Value	Notional Capital Value	Notional Type
Previous	\$175,000	\$385,000			

## Building Details

<b>Valuation Number</b>	6612074454
<b>Building Style</b>	Conventional
<b>Year Built</b>	1996
<b>Building Condition</b>	Good
<b>Wall Construction</b>	Brick
<b>Roof Construction</b>	Tiled (Terra Cotta or Cement)
<b>Equivalent Main Area</b>	181 sqm
<b>Number of Main Rooms</b>	7

## APPENDIX 5





**PORT AUGUSTA CITY COUNCIL**  
4 Mackay Street PORT AUGUSTA SA 5700  
PO Box 1704 PORT AUGUSTA SA 5700

admin@portaugusta.sa.gov.au  
Telephone 8641 9100 ~ Facsimile 8641 0357

19 MARCH 2018

**Raine & Horne Port Augusta**  
PO Box 2052  
PORT AUGUSTA SA 5700

ptaugusta@rh.com.au

Dear Sir/Madam,

Council Search Report

We refer to your request received on 16/03/2018 and now attach particulars and documentary material which Council must supply pursuant to the provisions of the Local Government Act and the Land Business (Sale and Conveyancing) Act 1994.

Yours faithfully



Sally Thomas  
Rates Officer

## LOCAL GOVERNMENT INQUIRY

(Pursuant to the Land and Business (Sale and Conveyancing) Act 1994)

TO: The Chief Executive Officer  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

DATE: 19/03/2018

FROM: **Raine & Horne Port Augusta**  
**PO Box 2052**  
**PORT AUGUSTA SA 5700**

as \*Agent/Conveyancer for the \*owner/prospective purchaser/prospective mortgagee.

Dear Sir/Madam.

We are required by Section 7 of the Land and Business (Sale and Conveyancing) Act 1994 and Regulation 13 of that Act to make the Prescribed Inquiries shown in Schedule 1 of the above mentioned Regulations and the Prescribed Matter shown as Building Indemnity Insurance in Schedule 1 of the above mentioned Regulations.

We hereby make those inquiries to you in regard to the Land described below.

Information on rates and charges is also required and we request from you a Certificate pursuant to Section 187 of the Local Government Act in regard to the land.

Enclosed is: payment of \$55.80 – Receipt No: 497663286; and

a copy of the Certificate(s) of Title to the Land.

It would be appreciated if your response to the Section 7 inquiry can be given on the Form recommended by the Local Government Association of South Australia.

Thank you for your assistance.

Signed by or on behalf of the \*Agent/Conveyancer:

.....  
**THE LAND: Allotment: 4 Deposited Plan: 43094 Certificate of Title: 5283/688**

**Area Named: Port Augusta West                      Hundred: Copley**

**Street Address: 26 Marcus Place Port Augusta West**

**Owner(s): N C Tucker & E M Marrack**

**Assessment No: 9004**

**Valuer General No: 6612074454**

**PRESCRIBED INFORMATION**

Column 1 Prescribed encumbrance	Column 3 Other particulars required
<b>Part 1—Items that must be included in statement</b>	
{If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.}	
<b>Development Act 1993</b>	
Part 3—Development Plan	<p>Title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan):</p> <p>Zone: <i>Residential</i></p> <p>Is the land situated in a designated State Heritage Area?</p> <p align="right">*YES/NO <i>NO</i></p> <p>Is the land designated as a place of local heritage value?</p> <p align="right">*YES/NO <i>NO</i></p> <p>Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?</p> <p align="right">*YES/NO <i>NO</i></p> <p>If YES, state the name of the council:</p> <p align="center"><b>Port Augusta City Council</b></p> <p>Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?</p> <p align="right">*YES/NO <i>NO</i></p>
section 42—Condition (that continues to apply) of a development authorisation	<p>Date of authorisation: .....</p> <p>Name of relevant authority that granted authorisation:</p> <p align="center"><i>See attached</i></p> <p>Condition(s) of authorisation:</p> <p>.....</p> <p>.....</p> <p>.....</p>

**PRESCRIBED INFORMATION**

<b>Column 1 Prescribed encumbrance</b>	<b>Column 3 Other particulars required</b>
Condition (that continues to apply) of an approval or authorisation granted under the:  <i>Building Act 1971 (repealed),                      the City of Adelaide Development Control Act 1976 (repealed),                      the Planning Act 1982 (repealed) or                      the Planning and Development Act 1966 (repealed)</i>	Nature of condition(s):
<b>Part 2—Items to be included if land affected</b>	
<i>[If an item is not applicable, strike it out or write "NOT APPLICABLE" or "N/A" in COLUMN 1</i>	
<b>Development Act 1993</b>	
section 50(1)—Requirement to vest land in a council or the Crown to be held as open space  <span style="color: red; font-size: 2em; opacity: 0.5;">N/A</span>	Date requirement given:  Name of body giving requirement:  Nature of requirement:  Contribution payable (if any):
section 50(2)—Agreement to vest land in a council or the Crown to be held as open space  <span style="color: red; font-size: 2em; opacity: 0.5;">N/A</span>	Date of agreement:  Names of parties:  Terms of agreement:  Contribution payable (if any):
section 55—Order to remove or perform work  <span style="color: red; font-size: 2em; opacity: 0.5;">N/A</span>	Date of order:  Terms of order:  Building work (if any) required to be carried out:  Amount payable (if any):




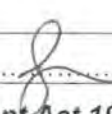

**PRESCRIBED INFORMATION**

Column 1 Prescribed encumbrance	Column 3 Other particulars required
section 56—Notice to complete development	Date of notice:  Requirements of notice:  Building work (if any) required to be carried out:  Amount payable (if any):
section 57—Land management agreement	Date of agreement:  Names of parties:  Terms of agreement:
section 69—Emergency order	Date of order:  Name of authorised officer who made order:  Name of authority that appointed the authorised officer:  Nature of order:  Amount payable (if any):
section 71—Fire safety notice <i>See attached smoke alarm notice</i>	Date of notice:  Name of authority giving notice:  Requirements of notice:  Building work (if any) required to be carried out:  Amount payable (if any):










**PRESCRIBED INFORMATION**


Column 1 Prescribed encumbrance	Column 3 Other particulars required
<b>Housing Improvement Act 1940</b>	
section 23—declaration that house is undesirable or unfit for human habitation	Date of declaration: Those particulars required to be provided by a council under section 23:
Confirmed – Building/Development section: 	
<b>Local Government Act 1934 – ACT REPEALED</b>	
Notice, order, declaration, charge, claim or demand given or made under the Act  <b>N/A</b>	Date of notice, order etc:  Name of council by which, or person by whom, notice, order etc is given or made: <b>Port Augusta City Council</b>  Land subject thereto: <b>26 HARCUS PLACE PORT AUGUSTA WEST</b>  Nature of requirements contained in notice, order etc:  Time for carrying out requirements:  Amount payable (if any):
Signature: 	
<b>Local Government Act 1999</b>	
Notice, order, declaration, charge, claim or demand given or made under the Act	Date of notice, order etc: 05/07/2017 Name of council by which, or person by whom, notice, order etc is given or made: <b>Port Augusta City Council</b>  Land subject thereto: <b>26 HARCUS PLACE PORT AUGUSTA WEST</b>  Nature of requirements contained in notice, order etc: <b>Rates - Assessment No: 9004</b>  Time for carrying out requirements: <b>Due Date Instalment 1: 08/09/2017</b> <b>Due Date Instalment 2: 08/12/2017</b> <b>Due Date Instalment 3: 08/03/2018</b> <b>Due Date Instalment 4: 08/06/2018</b> <b>Amount payable: \$957.00</b>
Confirmed – Rates section: 	
19/03/2018	



PRESCRIBED INFORMATION

Column 1 Prescribed encumbrance	Column 3 Other particulars required
<b><i>Public and Environmental Health Act 1987 (repealed)</i></b>	
Part 3—Notice  	Date of notice:  Name of council or other authority giving notice:  Requirements of notice:
<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) Part 2—Condition (that continues to apply) of an approval</i>  	Date of approval:  Name of relevant authority that granted the approval:  Condition(s) of approval:
<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked) regulation 19—Maintenance order (that has not been complied with)</i>  	Date of order:  Name of authority giving order:  Requirements of order:
<b><i>South Australian Public Health Act 2011</i></b>	
section 66—Direction or requirement to avert spread of disease  	Date of direction or requirement:  Name of Authority giving or making requirement: Nature of direction or requirement:
section 92-Notice  	Date of notice:  Name of Council or other relevant authority giving notice:  Requirements of notice

**PRESCRIBED INFORMATION**

Column 1 Prescribed encumbrance	Column 3 Other particulars required
<p><i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4-Condition (that continues to apply) of an approval</p> <p align="center"><b>N/A</b></p>	<p>Date of approval:</p> <p>Name of person or body that granted the approval:</p> <p>Condition (s) of approval:</p>
<p><b>Confirmed – Environmental Health section:</b>  21/3/18</p>	
<p><b><i>Water Industry Act 2012</i></b></p>	
<p>notice or order under the Act requiring payment of charges or other amounts or making other requirement</p>	<p>Date of notice or order:</p> <p>Name of person or body who served notice or order:</p> <p>Amount payable (if any) as specified in the notice or order:</p> <p>Nature of other requirement made (if any) as specified in the notice or order:</p>
<p><b>Confirmed – Environmental Health section:</b></p>	

PREScribed INFORMATION

Particulars of Building Indemnity Insurance

Note—Building indemnity insurance is not required for—

- (a) domestic building work for which approval under the Development Act 1993 or the repealed Building Act 1971 is or was not required; or
(b) minor domestic building work (see section 3 of the Building Work Contractors Act 1995); or
(c) domestic building work commenced before 1 May 1987; or
(d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the Building Work Contractors Act 1995 applies under the Building Work Contractors Regulations 2011; or
(e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the Building Work Contractors Act 1995 has been granted under section 45 of that Act.

Details of building indemnity insurance still in existence for building work on the land:

Building Indemnity Insurance is required... Yes / No (refer above note):

- 1 Name(s) of person(s) insured:
2 Name of insurer:
3 Limitations on the liability of the insurer:
4 Name of builder:
5 Builder's licence number:
6 Date of issue of insurance:
7 Description of insured building work:

Exemption from holding insurance:

If particulars of insurance are not given, has an exemption been granted under section 45 of the Building Work Contractors Act 1995 from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act?

\*YES/NO

If YES, give details:

- (a) Date of the exemption:
(b) Name of builder granted the exemption:
(c) Licence number of builder granted the exemption:
(d) Details of building work to which the exemption applies:
(e) Details of conditions (if any) to which the exemption is subject:

Certified Development Section [Signature] Date 20/3/2018





***Particulars relating to Environment Protection***

**Further information held by councils**

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

\*YES/NO

**Note—**

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- (a) the approval of development by a council does not necessarily mean that the development has taken place;
- (b) the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

CERTIFIED DEVELOPMENT SECTION:.....

DATE: 20/03/2018

## CERTIFICATE OF LIABILITIES

(Pursuant to Section 187 of the Local Government Act 1999)

**To:** Raine & Horne Port Augusta  
PO Box 2052  
PORT AUGUSTA SA 5700

Certificate No : 6022
Receipt No : 497663286
Reference No:

### Land:

Lot: 4 DP: 43094 CT: 5283/688  
26 Marcus Place Port Augusta West  
Owner: N C Tucker & E M Marrack  
Council Assessment No: 9004  
Valuation No: 6612074454

### Additional Information:

1. Refer Attached Information Sheet

### 2017/2018 Rates and Charges:

General Rates	\$5,080.22
Natural Resource Management Levy	\$39.60
Kerbside Waste Collection and Recycling Service Charge	\$220.00
Capping	-\$1,510.17
<b>TOTAL 2017/2018 RATES</b>	<b>\$3,829.65</b>
<b>Payments received</b>	<b>-\$2,872.65</b>
<b>TOTAL OUTSTANDING AT DATE OF THIS REPLY</b>	<b>\$957.00</b>

**NOTE:** Rates are payable in four instalments payable in the months of September, December, March and June of the financial year for which rates are declared.

**NEXT QUARTERLY INSTALMENT DUE ..... 8 June 2018**

If an instalment of rates is not paid on or before the date on which it falls due -

- (a) the instalment will be regarded as being in arrears; and
- (b) a fine of 2% of the amount of the instalment is payable; and
- (c) on the expiration of each month from that date, interest at the prescribed percentage (currently 0.5625%) of the amount in arrears (including the amount of any previous unpaid fine but excluding interest from any previous month) accrues.

PREScribed PARTICULARS ONLY ARE PROVIDED

**Certified:** 

**Date: 19 March 2018**

**Sally Thomas - Rates Officer**

## **Information Sheet for new owners**

### **Kerbside Waste Collection/Recycling Bins**

Three mobile kerbside garbage collection bins (1 X 120 litre waste – red Lid), (2 X 240 litre recyclables – 1 yellow lid and 1 green lid) have been allocated by Council to this property and are to remain with the property upon transfer.

If the property is to be unoccupied between changes of ownership, assistance of the vendor in minimising the chance of theft or vandalism by placing the bins either inside or at the rear of the property would be appreciated.

### **Capping Rebate**

The capping rebate applied to the general rate in 2017/2018 will not apply to this assessment in the 2018/2019 financial year as Council have resolved that where a change of ownership has occurred in the current financial year the capping rebate does not apply in the following year.

A: 9004.



**Raine & Horne**

Raine & Horne Port Augusta

Shop 1-6 Church Street, Port Augusta SA 5700

PO Box 2052, Port Augusta SA 5700

Telephone (08) 8642 3655

Fax (08) 8642 2141

Email [ptaugusta@rh.com.au](mailto:ptaugusta@rh.com.au)

ABN 70 892 771 432

16 March, 2018

Corporation of the City  
Of Port Augusta  
PO Box 1704  
PORT AUGUSTA SA 5700

Dear Sir

Can we please order the Council Search for the following property:-

26 Marcus Place, Port Augusta West  
Certificate of Title Volume 5283 Folio 688  
Owner: Neil Cameron Tucker and Elizabeth Margaret Marrack

We have paid \$55.80 online

Please advise should you require further details

Yours sincerely

Greg Kipling  
Licensed Agent MREI



# Receipt/Invoice

City of Port Augusta

4 Mackay Street

PORT AUGUSTA SA 5700

ABN 73625993182

Telephone (08) 86419100

## Payment Details

Payment Type	Account Number	Debtor Account Number	Amount
Search Fees	02/00269/001/710		\$55.80
<b>Total</b>			<b>\$55.80</b>

Your Reference 00054189

Date Friday 16 March 2018 13:51

e-Services Trans ID 54189

Receipt Number 497663286

Result Description Approved

• Please

• Please note that your payment may not be updated until the following business day.

26 March





REAL PROPERTY ACT, 1986



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5283 Folio 688

Parent Title(s)	CT 5272/621				
Creating Dealing(s)	RTD 7924771				
Title Issued	03/08/1995	Edition	9	Edition Issued	22/03/2016

### Estate Type

FEE SIMPLE

### Registered Proprietor

NEIL CAMERON TUCKER  
ELIZABETH MARGARET MARRACK  
OF 26 HARCUS PLACE PORT AUGUSTA WEST SA 5700  
AS JOINT TENANTS

### Description of Land

ALLOTMENT 4 DEPOSITED PLAN 43094  
IN THE AREA NAMED PORT AUGUSTA WEST  
HUNDRED OF COPLEY

### Easements

NIL

### Schedule of Dealings

Dealing Number	Description
12481316	MORTGAGE TO ING BANK (AUSTRALIA) LTD. (ACN: 000 893 292)

### Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



**IMPORTANT NOTICE – PLEASE READ**

**NEW FIRE SAFETY REQUIREMENTS**  
**SMOKE ALARMS IN DWELLINGS**

The Corporation of the City of PORT AUGUSTA advises all persons involved in the transfer of property titles, that the **new owner** of a residential building purchased after the 1<sup>st</sup> February 1998 **must** within six months of the title transfer ensure that the dwelling has an approved **hardwired** alarm system (one or more mains powered smoke detectors) installed. This new legislation affects **all** dwellings sold after 1<sup>st</sup> February 1998 which are connected to mains supply.

In the case of property title transfer, smoke alarms with 10 year life non replaceable non removable permanently connected batteries may now be installed in lieu of hard wired smoke alarms. **Note: Standard battery operated smoke alarms are not acceptable.**

Failure to comply with this new legislation may result in the new purchaser being liable for prosecution. This could result in a fine of up to \$750. Also, failure to install detectors as required may jeopardise insurance in the event of a fire.

For further information relating to these changes please do not hesitate to contact Council's **BUILDING AND PLANNING DEPARTMENT** on (08) 8641 9100, or the **BUILDING STANDARDS AND POLICY BRANCH** in Adelaide on (08) 8303 0803

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Smoke detectors must comply with AS3786-1993  
Development Regulation 76b



# DECISION NOTIFICATION FORM

Development Number  
660/197/96

FOR DEVELOPMENT APPLICATION      DATED      3/6/96  
    REGISTERED ON      3/6/96

To:                    D. Davies  
                                  P.O. Box 631  
                                  Port Augusta, S.A. 5700

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: 26   Lot No: 4                    Street: Marcus Place                    Town/Suburb: Port Augusta  
 Section No (full/part):                    Hundred: Copley                    Volume: 5283   Folio: 688

Nature of Proposed Development                    Garage

From                    CORPORATION OF THE CITY OF PORT AUGUSTA

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable
Provisional Development Plan Consent	✓	/		
Land Division				
Land Division (Strata)				
Provisional Building Rules Consent	✓			
Public Space				
Other				
<b>DEVELOPMENT APPROVAL</b>	✓	/		

Classification: ...10a.....

\_\_\_\_\_ representation(s) from third parties concerning your category 3 proposal were received.

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

**No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.**

Date of Decision: ...6/6/96.....                     Development Assessment Commission or delegate  
 Signed: .....*[Signature]*.....                     Council Chief Executive Officer or delegate  
 Signed: .....*[Signature]*.....                     Private Certifier  
 Date: .....11/6/96.....                     Sheets Attached

DEVELOPMENT NUMBER 660/197/96

ATTACHMENT

Planning Condition:

Structure shall set back 2 metres from the Marcus Place boundary.



# DECISION NOTIFICATION FORM

Development Number  
660/100/96

FOR DEVELOPMENT APPLICATION      DATED      12/3/96  
REGISTERED ON      12/3/96

To:      D. Davies & S. McNeill  
            PO Box 631  
            Port Augusta

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: 26   Lot No: 4      Street: Marcus Place      Town/Suburb: Port Augusta  
Section No (full/part):      Hundred: Copley      Volume: 5283   Folio: 688

Nature of Proposed Development      Brick Veneer Dwelling and Garage (Building Only)

From      CORPORATION OF THE CITY OF PORT AUGUSTA

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable
Provisional Development Plan Consent	✓			
Land Division				
Land Division (Strata)				
Provisional Building Rules Consent	✓	/		
Public Space				
Other				
<b>DEVELOPMENT APPROVAL</b>	✓	/		

Classification: 1a

\_\_\_\_\_ representation(s) from third parties concerning your category 3 proposal were received.

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet.

**No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.**

Date of Decision: 28/3/96       Development Assessment Commission or delegate  
Signed: [Signature]       Council Chief Executive Officer or delegate  
Signed: [Signature]       Private Certifier  
Date: 29/3/96       Sheets Attached

DEVELOPMENT NUMBER 660/100/96

ATTACHMENT

**Building Condition:**

Subject to the following conditions pursuant to Section 42 of the Development Act 1993.

1. The builder, Beechwood Homes, shall provide one (1) business day notice for the following stages of work:-
  - a) Preparation of the foundation
  - b) Pouring of concrete footings
  - c) Completion of wall and roof framework
  - d) Completion

Section 59  
Reg 74

*CPW 28/3/96*









# DECISION NOTIFICATION FORM

Development Number

## DEVELOPMENT ACT 1993

660/431/2005

**PORT AUGUSTA  
CITY COUNCIL**

FOR DEVELOPMENT APPLICATION

DATED

28/10/2005

REGISTERED ON

28/10/2005

To: **B H Bennett  
26 Harcus Place  
PORT AUGUSTA WEST SA 5700**

**LOCATION OF PROPOSED DEVELOPMENT:**

**26 Harcus Place PORT AUGUSTA WEST 5700  
LT: 4 CT: CT PL: DP PLN: 43094 CT: 5283/688**

Nature of  
Proposed  
Development **Carport**

From **CORPORATION OF THE CITY OF PORT AUGUSTA**

In respect of this proposed development you are informed that:

Nature of Decision	Consent Granted	No. of Conditions	Consent Refused	Not Applicable
Provisional Development Plan Consent	✓	3	-	-
Land Division	-	-	-	-
Land Division (Strata)	-	-	-	-
Provisional Building Rules Consent	✓	1	-	-
Public Space	-	-	-	-
Other	-	-	-	-
<b>DEVELOPMENT APPROVAL</b>	✓	4	-	-

Classification: **10a**

\_\_\_\_\_ representation(s) from third parties concerning your category 3 proposal were received.

If there were third party representations, any consent/approval or consent/approval with conditions does not operate until the periods specified in the Act have expired. Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the attached sheet and stamped approved plan.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

Date of Decision: 7/11/05

Development Assessment Commission or delegate

Signed: [Signature]

Council Chief Executive Officer or delegate

Signed: [Signature]

Private Certifier

Date: 9/11/05

Sheets Attached



**Condition Attachment**

Development Number

660/431/2005

**Applicant:** B H Bennett

**Location of Proposed Development:** 0/26 Harcus Place PORT AUGUSTA WEST 5700  
LT: 4 CT: CT PL: DP PLN: 43094 CT: 5283/688

**Nature of Proposed Development:** Carport

**Decision:** Development Approval Granted

**Date of Decision:** 18th November 2005

**PROVISIONAL PLANNING RULES CONSENT**

**GRANTED**

*Consent is granted as the proposed development is considered to accord sufficiently with the provisions of the Development Plan.*

*The following conditions have been imposed to reasonably ensure that the development will not impair the orderly and proper planning of the locality or detrimentally affect the amenity of the locality, having particular regard to the Objectives and Principles of Development Control applicable to such a use in the locality.*

**Planning Conditions of Consent :-**

- (1) Structure shall be painted a colourbond colour or clad with colourbond iron in a neutral colour in keeping with the locality, to the reasonable satisfaction of Council, within 12 months of construction.
- (2) Approval is granted in accordance with the plans, specifications and information submitted. If any change to the structure is made, a fresh application to Council must be lodged.
- (3) Stormwater design and disposal shall conform to Australian Standards and be in accordance with sound engineering practice.

**PROVISIONAL BUILDING RULES CONSENT**

**GRANTED**

**Building Conditions of Consent :-**

- (1) Fascia beam each side of carport must not be less than c150 16 not 75 10 specified.



**APPEAL RIGHTS :-**

*Council has taken into account the relevant matter associated with this development and has made a decision on the application.*

*You are reminded that Section 86(1)(a) of the Development Act, 1993 provided for a right of appeal to the Environment, Resources and Development Court against the decision, or the imposition of conditions attaching to the authorization, within two months after receipt of this notice (Section 86(4) of the Act).*

*Please note that any appeal has to be lodged with the Court and not with the Council.*



*Council will not act as a representative for other parties before the Court and Council Officers can provide preliminary advice only regarding the Court's procedures. If you wish to pursue an appeal, you are strongly urged to take professional advice on the matter.*

*For assistance in lodging an appeal, it is suggested that you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide or phone the Court on (08) 204 0300.*

**APPROVAL TIMEFRAMES :-**

The Proposed Development must :-

- Be substantially commenced within 12 months of the date of this notification unless this period has been extended by the Council.
- You are advised that any Act or work authorized or required by this notification must be completed within three years of full Development Approval being granted.
- You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.

Signed:	 _____ Authorised Officer	 _____ Authorised Officer
Date:	21 / 11 / 05	

## APPENDIX 6



**PortAugusta**

CITY COUNCIL

4 Mackay Street (PO Box 1704)  
Port Augusta, South Australia, 5700  
Telephone (08) 8641 9100  
Facsimile (08) 8641 0357  
admin@portaugusta.sa.gov.au  
www.portaugusta.sa.gov.au  
ABN 73 625 993 182

**RATE NOTICE 2018/2019**

Rates & Charges for period  
1 July 2018 to 30 June 2019

Rates declared: 05/07/2018

**1<sup>st</sup> Quarter Notice**



048-5700 (183)

J M Harris  
26 Marcus Place  
PORT AUGUSTA WEST SA 5700

Customer Reference No

90043

Date of Notice

27/07/2018

Quarterly Payment  
including any arrears

\$1,378.10

Due Date

07/09/2018



Assesment No: 9004

26 Marcus Place PORT AUGUSTA WEST SA 5 Lot: 4 DP: 43094 CT: 5283/688

Valuation Number: 6612074454  
Site Value: \$175,000

Land Use: Residence  
Zone: Residential No Eff

COUNCIL RATES ARE EXEMPT FROM GST

**Rates and Charges**

**Amount**

General Rate: \$175,000 @ 0.02995900 cents in \$	\$5,242.83
- Capping	\$0.00
Community Wastewater Management Scheme	\$0.00
Kerbside Collection/Recycling Service Charge	\$224.00
Rebate	\$0.00
NRM Levy	\$36.30
<b>Total Annual Rates &amp; Charges 2018/19</b>	<b>\$5,503.13</b>
Balance brought forward	-\$0.03
<b>Balance</b>	<b>\$5,503.10</b>

Fines apply for payments not received at the Council by the due date

**1ST QUARTER**  
including any arrears

\$1,378.10  
07 Sep 2018

**2ND QUARTER**

\$1,375.00  
07 Dec 2018

**3RD QUARTER**

\$1,375.00  
08 Mar 2019

**4TH QUARTER**

\$1,375.00  
07 Jun 2019



Please return this portion with postal payments to : PORT AUGUSTA CITY COUNCIL PO BOX 1704, PORT AUGUSTA 5700

**PAYMENT METHODS - see over for details**

**PortAugusta**  
CITY COUNCIL



Billers Code: 27961  
Customer Ref : 90043



Billpay Code: 2808  
Customer Ref : 90043

Pay in person at any Post Office  
by phone 13 18 16 or  
go to www.postbillpay.com.au



\*2808 90043  
QUARTERLY AMOUNT  
including any arrears



Customer Reference No  
90043

FULL AMOUNT  
\$5,503.10

OR

QUARTERLY AMOUNT  
including any arrears  
\$1,378.10

DATE DUE  
07/09/2018

BPAY® this payment via Internet or phone banking.  
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BPAY View Registration No. 90043



## RATES AND CHARGES FOR THE YEAR ENDING 30TH JUNE 2019

CONTACT TELEPHONE NUMBER FOR RATE PAYER ENQUIRIES : 08 8641 9100

### BASIS OF RATING

Port Augusta City Council declared general rates on the following basis :

- Valuations made by the Valuer General applicable for the 2018/2019 financial year. (Refer front of the notice for valuation assessment number & the site value of the land to which this account for payment relates).
- Differential General Rates have been declared & are based on the following factors :
  - the use of the land, and
  - the locality of the land (e.g.: locality being the zone defined in the Port Augusta City Council Development Plan). (The differentiating factors & the declared rate in the dollar for each individual assessment are detailed on the front of each rate notice).
- Pursuant to Section 158 of the Local Government Act a minimum rate has been declared.
- If a rebate, remission or deduction applies to the land to which this account for payment relates it will be detailed on the front of this notice.

### BASIS OF ANNUAL SERVICE CHARGES

Service Charges are applied to land where the respective service is provided or made available to both rateable and non-rateable land - e.g. - Community Waste-Water Management Service Charge (CWMS) - applied to both occupied and vacant land - Kerbside Waste Collection/Recycling Service Charge - applies only to occupied land.

### NATURAL RESOURCE MANAGEMENT LEVY

The Natural Resource Management levy is a State tax. Councils are required to collect it under the NRM Act. Councils collect the NRM levy on behalf of the State Government for the purpose of reimbursing themselves for the amounts contributed to a regional NRM board. Councils must contribute the amount specified in the regional NRM plan towards the costs of the board performing its functions under the Act and in accordance with the plan. These functions include regional NRM planning, water allocation planning and advisory, education and compliance activities.

### PAYMENT OF RATES

Rates can be paid in four quarterly instalments, in one annual amount or by alternative arrangement approved by the rating staff. It is a ratepayer's responsibility to ensure payment is received by the Council by the due date shown on the front of the rate notice.

### HARDSHIP

Persons experiencing hardship may seek assistance by contacting rating staff on 8641 9100 for a confidential discussion or email: [admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au)

### FINE ON RATES

Rates will be overdue if they have not been paid by the due date shown on the front of this notice. After this date, additional charges apply;

- a fine of 2% of the amount due will be added immediately, and
- each month thereafter, interest at a prescribed rate will be added on any unpaid balance.

### VOTERS ROLL

Persons enrolled on the State House of Assembly Electoral Roll as a resident within the City of Port Augusta Council area are automatically included on the Council Voters Roll and entitled to vote at Council elections. Others who may have an entitlement to enrolment must make an application to the Chief Executive Officer of the Council to be enrolled on the Council Voters Roll.

### OBJECTION TO VALUATION

You may object to the valuation referred to in this notice by writing served personally or by post on the Valuer-General within 60 days after the date of service of this notice.

#### But note:

- if you have previously received a notice or notices under the Local Government Act 1999 referring to the valuation and informing you of a 60-day objection period, the objection period is 60 days after service of the first such notice;
- you may not object to the valuation if the Valuer-General has already considered an objection by you to that valuation.

The Valuer-General may extend the 60 day objection period where it be shown there is reasonable cause to do so by a person entitled to make an objection to a valuation.

A written objection to valuation must set out the full and detailed grounds for objection. Objections can also be submitted via an online form at <http://www.sa.gov.au/landservices> and enter "Objecting to a Valuation" in the search field. Differential rates (and or charges) imposed by rates (and or charges) are still due and payable by the due date even if an objection has been lodged.

#### Objections are to be forwarded to:

State Valuation Office  
GPO Box 1354, Adelaide 5001  
101 Grenfell Street, Adelaide 5000  
Phone 1300 653 345  
Email [LSGO objections@sa.gov.au](mailto:LSGO objections@sa.gov.au)  
Fax 08 8226 1428

### OBJECTION TO LAND USE

Differential General Rates imposed by the Council are based on various Land Use Categories. Should you have any reason to believe that the Land Use Category applied to your account is incorrect, you may lodge a written objection with Council outlining the grounds upon which your objection is based. Objections must be submitted to Council within 60 days of receiving this notice.

**Rates are still due and payable by the due date even if an objection has been lodged with either the Valuer-General or Council.**

### CHANGE OF ADDRESS OR OWNERSHIP

Please advise Council, in writing or by emailing immediately if your address details have changed.

A summary of Council's annual business plan is sent out with the first rates notice each financial year.  
The full version is available at [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

## METHODS OF PAYMENT

					
<p>Contact your Bank Credit Union or Building Society to make payment from your cheque or savings account. More info: <a href="http://www.bpay.com.au">www.bpay.com.au</a></p> <p><b>Billers Code: 27961</b> <b>Customer Ref: 90043</b></p>	<p><b>IN PERSON</b></p> <p>Payments are accepted at the Council Office, 4 Mackay Street Port Augusta, South Australia, 5700</p>	<p><b>BY MAIL</b></p> <p>Cheques or money orders should be made payable to Port Augusta City Council and posted together with the payment slip to : PO Box 1704 PORT AUGUSTA SA 5700</p>	<p><b>BY TELEPHONE</b></p> <p>Please ring 1300 276 468 Enter the <b>Billers Code 1351915</b> and the Council's name is confirmed. At the end of the call you will be provided with a unique payment receipt number.</p> <p><b>Customer Ref: 90043</b></p>	<p><b>DIRECT DEBIT</b></p> <p>Direct Debit payment authority forms can be obtained from the Council Office, 4 Mackay Street, Port Augusta or from the Council website : <a href="http://www.portaugusta.sa.gov.au">www.portaugusta.sa.gov.au</a> <b>Ratepayers are reminded to ensure payments are received by due dates to prevent fines occurring.</b></p>	<p><b>AUSTRALIA POST</b></p> <p>Payment may be made in-store at Australia Post by presenting your rate notice. <b>Billpay Code : 2808</b> <b>by Phone on 13 18 16</b> Online at <a href="http://auspost.com.au/postbillpay">auspost.com.au/postbillpay</a> <b>Customer Ref : 90043</b></p>

## APPENDIX 7

26 Marcus Place  
Port Augusta SA 5700

20 August 2018

Mr John Banks  
Port Augusta City Council  
4 Mackay St  
Port Augusta SA 5700

Dear Mr Banks

I am writing to you seeking an explanation of the inconsistencies in the council rate notices for 2018/19 and the unfair council capping policy that is burdening some ratepayers with significant increases.

We were shocked to receive our rates notice on Thursday 9th August, I immediately rang the Council to find out how they had increased by 43% from the previous year and was told that I needed to speak to Sally Thomas. I attended the council building on Thursday afternoon and spoke to Sally who informed me that the site value had not changed at all, however, I was no longer entitled to receive capping that the previous owners had received on my property due to the Council's capping policy.

Sally said that I should have been informed about this change by either the Conveyancer or Real Estate agent when I was looking at the property. This did not happen. I rang Rosa Manno at Johnston Withers when I left council and asked her if she was aware of this council policy, she said that she was not aware and had she known she would have told me. I also rang the real estate agent Greg Kipling the next day he said he didn't know about it either, but coincidentally he had received an email from council earlier that morning, sent to all real estate agents in Pt Augusta, reminding them of the capping rebate policy for new homeowners. This was information that Greg said he had never received from council before.

When buying this property we had been told what the current rates were and I was concerned about the rates for Marcus Place being \$2000 more than I was already paying. I would have reconsidered purchasing the property if I knew that my rates were going to increase so much more on transfer and what I could potentially be paying in subsequent years, however I was not given any indication of what the rates might be, so I was unable to make an informed decision. I have been a ratepayer in Port Augusta for 12 years but my rates in Davenport St have never had a capping amount so I wasn't aware of this being applied to other properties.

I have spoken with the Local Government Association Ombudsman, who suggested that I write this letter in the first instance as *The Local Government Association Act 1999 S.166 (1) (m)* allows individual councils to grant discretionary rebates 'where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

- (i) 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
- (ii) a liability that is unfair or unreasonable;

I believe it is reasonable to consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.'

*The Local Government Association Act 1999 S. 153 (2)* states 'a council must, in fixing its rates for the purposes of this section, consider issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community'. Other residents in Marcus

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Place have the same site value as me and their rates are \$3588, I get the same services, such as waste collection and access to other council services as everybody else, so I don't understand why my council rates can be almost \$2000 more than my next door neighbour. This is not consistent or comparable.

The local government Association website says that on average South Australian households pay \$25 per week for their rates, however mine are set at \$105.83 per week, more than four times the average.

The Port Augusta Council's Annual Business Plan & Budget 2018/19 states [pg 14] their intention "to increase operating revenue without materially increasing rates" however by removing the rate capping for some and not others it has had a significant impact on some ratepayers.

We feel we have been penalised for investing in Port Augusta and purchasing a house that meets the needs of our growing family. It has turned the purchase of a dream house into a reality of sleepless nights wondering why and how we can be discriminated against in this way. We believed that Council rates were set for a property not an individual ratepayer.

We would like to discuss this matter with you at a mutually convenient time so that you can explain this inequality, because saying it is a council policy is not a satisfactory reason to discriminate in this way.

Yours Sincerely

Jodie and Aaron Harris

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**APPENDIX 8**

# DISCRETIONARY RATE REBATE

## APPLICATION FORM

2018 / 2019



**PortAugusta**

CITY COUNCIL

1. Details of Applicant

Name JODIE HARRIS

Address 26 HARCUS PLACE

Telephone 0456 892 305

Email AARONANDJODIE@BIGPOND.COM

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

Telephone .....

Email .....

2. Details of Land (refer to your Rates Notice)

Assessment Number 9004

Property Address 26 HARCUS PLACE, PORT AUGUSTA SA 5700

Owner of Land (if not you) .....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.



3. **Categories of Rebate**

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

*Note that you can only be eligible for either a Mandatory Rate or Discretionary Rebate, not both.*

**DISCRETIONARY REBATE**

The Council may, in its discretion, grant a rate rebate 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;

**X 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.**

4. **Amount of Rebate**

Please specify the amount of rebate that you are applying for \$1915

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.

My next door neighbour who has the same site value and land size as me is currently paying only \$3588, I am being discriminated against by an inconsistent Council Policy that I was not aware of at the time of buying my property, as the conveyancers and Real Estate agents in town had not been sufficiently advised of the Policy and therefore have not been passing this on to potential buyers. I was unable to make an informed decision. I have attached a copy of my letter to Mr John Banks dated 20<sup>th</sup> August 2018 to further explain my situation.

.....

.....

**5. Supporting Information Required**

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

1. evidence that the land is being used for the purpose for which the rebate is being sought;
2. information as to whether, and if so to what extent, you (or your organisation) will be providing a service within the Council area;
3. the extent of financial assistance (if any) being provided by Commonwealth or State agencies;
4. whether you are in receipt of a community grant;
5. a copy of your audited financial statement of the previous years' activities;
6. whether you are the holder of a liquor license;
7. number of members (if a community group);
8. any other information that you believe is relevant in support of this Application.

**6. Application Forms**

Where possible, application forms and all additional information should be submitted to the Council on or before 1<sup>st</sup> April for the following financial year.

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

**7 Statement of Acknowledgement**

- 7.1 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.
  - 7.2 If a person or body has the benefit of a rate rebate 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.
  - 7.3 The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.
-

- 7.4 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 within this application form is true and correct*

**DATED** the 24TH day of AUGUST 2018

Signed JODIE MARIE HARRIS

Full Name JODIE MARIE HARRIS

Position Held \_\_\_\_\_

**The Application form and all supporting information to be submitted:**

In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700

By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

By Email: [admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au)

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## APPENDIX 9

# CONFIDENTIAL



REPORT FOR:	<b>Council</b>		
MEETING DATE:	24 September 2018		
REPORT FROM:	Director Corporate & Community Services		
REPORT TITLE:	<b>Discretionary Rebate Application 2018/2019 – Assessment 9004</b>		
FILE NAME:	F18/236	RECORD NO:	AR18/37626

## COMMUNITY VISION & STRATEGIC PLAN OBJECTIVE/S

### **6 We Achieve**

- 6.3 We aim to provide good governance practices and compliance with all legislative requirements in delivery of services
- 6.5 We use and manage our financial resources in the best interests of our community and to ensure financial sustainability and organisational efficiency, now and into the future.

## **PURPOSE**

In accordance with the *Local Government Act 1999* to provide a report for Council consideration, a further discretionary rebate for the 2018/2019 rating year received after the initial report considered by Council on 9 July 2018.

## **RECOMMENDATION**

That **Council** does not provide a discretionary rebate to limit the increase of the general rate on assessment 9004 to 6% for the 2018/2019 financial year pursuant to Section 166 of the *Local Government Act 1999*.

## **BACKGROUND**

- 1.1 Within this report reference to "the Act" means The *Local Government Act 1999*.
- 1.2 The Act provides circumstances under which rates can be rebated.
- 1.3 **Discretionary Rebates** are detailed in Section 166 of the Act 1999 which provides that –  
"A Council may grant a rebate of rates or service charges in any of the following cases:
  - (a) where the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
  - (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
  - (c) where the rebate will conduce to the preservation of buildings or places of historic significance;

- (d) where the land is being used for educational purposes;
- (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
- (f) where the land is being used for a hospital or health centre;
- (g) where the land is being used to provide facilities or services for children or young persons;
- (h) where the land is being used to provide accommodation for the aged or disabled;
- (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Cwlth) or a day therapy centre;
- (j) 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
- (k) 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;
- (l) 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 by a ratepayer due to—
  - (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates; or
  - (ii) a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations;
- (m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute
  - (i) 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
  - (ii) a liability that is unfair or unreasonable;
- (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13 part 2;
- (o) where the rebate is contemplated under another provision of this Act.

Council's rating policy (1.1.10) states:

*For the 2018/2019 financial year, Council considered it appropriate to grant pursuant to Section 166(1)(l)(ii) of the Local Government Act a rebate of the general rate in order to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer.*

*Consequently, rebates will be granted (subject to conditions) to limit the increase of the 2018/2019 general rate over the amount of the general rate payable in the 2017/2018 financial year as follows:*

- (a) on residential land use – increase will be limited to 6% over the general rate payable in the 2017/2018 financial year
- (b) on all other land uses – increase will be limited to 15% over the general rate payable in the 2017/2018 financial year.

*The conditions referred to above are as follows:*

- (i) *any such increase is not due in full or in part to the use of the land being different for rating purposes on the date the Council declared its general rates for 2017/2018 financial year than on the date Council declared its general rates for the 2018/2019 financial year; or*
- (ii) *the ownership of the rateable land has not changed in the preceding 18 months; or*
- (iii) *subdivision of the land has not occurred since 1st July 2017; or*
- (iv) *a notional value has not been assigned to the land by the Valuer-General; or*
- (v) *a new valuation assessment has not been provided by the Valuer-General for the purpose of incorporating contiguous land.*

## **DISCUSSION**

Assessment 9004 had a change of ownership during the past 18 months and, as per Council's Rating Policy 1.1.10, was excluded from capping applied to other properties under Section 166(1)(l)(ii) of the Act.

The ratepayer lodged a complaint to Council regarding the removal of the capping following receipt of the 2018/2019 Rates Notice. The ratepayer feels that they are being discriminated against by what they believe to be an inconsistent Council policy that the ratepayer was not aware of at the time of buying the property. The ratepayer alleges that the conveyancers and Real Estate Agents in town had not been sufficiently advised of the policy and therefore have not been passing this information on to potential buyers and as such the ratepayer was unable to make an informed decision.

As per Section 7 of the Land and Business (Sales and Conveyancing) Act 1994, a 'Certificate of Liabilities' was issued prior to sale of the property (attachment 1). This 'Certificate of Liabilities' detailed the 2017/2018 Rates and Charges. The Certificate also included additional information as per below:

### **Capping Rebate**

The capping rebate applied to the general rate in 2017/2018 will not apply to this assessment in the 2018/2019 financial year as Council have resolved that where a change of ownership has occurred in the current financial year the capping rebate does not apply in the following year.

Whilst Council has applied rate capping to limit the increase in rates for a number of properties over the years, it also must be acknowledged that applying capping to some ratepayers inevitably means other ratepayers must pay more.

Council is working towards a reduction in the level of rebates applied (including capping) and exclusions from rate capping assist in this process by reducing the number of assessments receiving capping through natural attrition.

Exclusions from rate capping have consistently been in Council's rating policy for many years. These exclusions were highlighted during the budget workshop held on 8 May 2018 as well as during the presentation at the community forum held on 14 June 2018.

Council's draft Rating Policy is included in the Public Consultation process each year for the Annual Business Plan & Budget. This information is made available in hard copy at the Civic Centre as well as published on Council's website. A link to the information is also posted on Social Media.

Following receipt of the complaint, Council made contact with local Real Estate Agents to remind them of the exclusions from rate capping and requested they ensure prospective purchasers understood the implications.

The CEO met with the local Real Estate agent to discuss this matter, including the content of the Section 7 search document provided in this instance. Consideration may be given to Council making contact with the Real Estate Institute of Australia highlighting the potential need to review the format of Section 7 search documents.

If Council applies capping to assessment 9004, which is not recommended, it may give consideration to the merits and implications of also applying the same methodology to other assessments affected in the 2018/19 year.

In the alternative, as the ratepayer states that she was not aware of the capping rebate exclusions as she alleges that she did not receive the full Section 7 documentation from the Real Estate Agent, Council may consider that Sec 166(m)(ii) is applicable: *"where a rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability that is unfair or unreasonable."*

It is recommended not to provide a discretionary rebate in this instance as Council has been fully compliant with its legal obligations in relation to the sale of the property. The alleged actions of the other parties are not under the control of Council.

### **CONFIDENTIAL PROVISIONS**

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except staff be excluded from attendance at the meeting to discuss this report (AR18/33171).

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the personal information of a ratepayer's request for a discretionary rebate.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of personal information pertaining to the ratepayer will be discussed.

That having considered this agenda item in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7)(b) of the Act orders that all documents relating to report AR18/33171 be retained in confidence until the matter is resolved by Council.

### **RISK MANAGEMENT**

#### **1: Financial/Budget/Asset Management**

Rate capping rebates total \$436,116.55 for the 2018/2019 rating year.

**2: Legal/Policy**

Section 166 of the *Local Government Act 1999* provides for discretionary rebates.

Legal advice was sought in relation to dealing with this matter during caretaker period. This legal advice is subject to legal privilege and as such remains confidential.

*"In my view, the proposal to consider and deal with the application for a discretionary rebate of general rates, is not a 'designated decision' under the LG (Elections) Act and hence is not statutorily prohibited from consideration by the Council during the caretaker period. The issue then, is whether it is a 'significant decision' for the purposes of the Council's Caretaker Policy and, if it is, whether there is 'reason' to deal with the issue during the caretaker period – or if the matter should be deferred for consideration after the elections. In my opinion, the determination of the rebate application is not a significant decision in the context of the Council's decision-making functions and responsibilities and can be dealt with by the Council during the caretaker period. If, contrary to my view, this is considered to be a significant decision and that there are no good reasons for the Council to deal with it during the caretaker period, Ms Harris should be advised of this fact, the reasoning for it and that if her application were to be granted, it would, in any event, apply retrospectively from 1 July 2018 and hence in respect of the whole financial year's rates.*

*By contrast, if the proposal was to review and reconsider the Council's rating policy during the caretaker period (which, of course, it is not), my advice would be that it be left for the Council after the elections.*

*Whilst the application is predicated upon the unfairness of the policy position that a change of ownership results in a lack of eligibility for a new land-owner to the rates cap by operation of a discretionary rebate, it is my advice that, the Ombudsman would require that the Council not take 'refuge' in the Policy position but, instead, examine the application on its merits. If those merits 'make a case' it is then necessary for the Council to consider the application for a discretionary rebate outside of the Policy framework (for example, under section 166(1)(m)(ii) of the LG Act). If there is an absence of merit, my counsel is to record its reasons for both not dealing under the Policy and for otherwise not acceding to the application on merit."*

**3: Environment/Planning**

Not applicable.

**4: Community**

4.1 General  
Not applicable.

4.2 Aboriginal Community Consultation  
Not applicable.

**Anne O'Reilly**  
**27/08/2018**



4 Mackay Street (PO Box 1704)  
Port Augusta, South Australia, 5700

admin@portaugusta.sa.gov.au  
www.portaugusta.sa.gov.au

Telephone (08) 8641 9100  
Facsimile (08) 8641 0357



## CERTIFICATE OF LIABILITIES

(Pursuant to Section 187 of the Local Government Act 1999)

**To:**

[Redacted]

Certificate No : 6022

Receipt No : 497663286

Reference No:

### Land:

Lot: 4 DP: 43094 CT: 5283/688

Owner: [Redacted]

Council Assessment No: 9004

Valuation No: 6612074454

### Additional Information:

1. Refer Attached Information Sheet

### 2017/2018 Rates and Charges:

#### General Rates

Natural Resource Management Levy

\$ [Redacted]

\$39.60

Kerbside Waste Collection and Recycling Service Charge

\$ [Redacted]

\$220.00

Capping

\$ [Redacted]

**TOTAL 2017/2018 RATES**

\$ [Redacted]

Payments received

\$ [Redacted]

**TOTAL OUTSTANDING AT DATE OF THIS REPLY**

\$ [Redacted]

**NOTE:** Rates are payable in four instalments payable in the months of September, December, March and June of the financial year for which rates are declared.

**NEXT QUARTERLY INSTALMENT DUE ..... 8 June 2018**

If an instalment of rates is not paid on or before the date on which it falls due -

- (a) the instalment will be regarded as being in arrears; and
- (b) a fine of 2% of the amount of the instalment is payable; and
- (c) on the expiration of each month from that date, interest at the prescribed percentage (currently 0.5625%) of the amount in arrears (including the amount of any previous unpaid fine but excluding interest from any previous month) accrues.

PREScribed PARTICULARS ONLY ARE PROVIDED

**Certified:** [Signature]

**Date: 19 March 2018**

Sally Thomas - Rates Officer

## **Information Sheet for new owners**

### **Kerbside Waste Collection/Recycling Bins**

Three mobile kerbside garbage collection bins (1 X 120 litre waste – red Lid), (2 X 240 litre recyclables – 1 yellow lid and 1 green lid) have been allocated by Council to this property and are to remain with the property upon transfer.

If the property is to be unoccupied between changes of ownership, assistance of the vendor in minimising the chance of theft or vandalism by placing the bins either inside or at the rear of the property would be appreciated.

### **Capping Rebate**

The capping rebate applied to the general rate in 2017/2018 will not apply to this assessment in the 2018/2019 financial year as Council have resolved that where a change of ownership has occurred in the current financial year the capping rebate does not apply in the following year.

## DISCRETIONARY RATE REBATE

### APPLICATION FORM

2018 / 2019



1. Details of Applicant

Name JODIE HARRIS

Address 26 HARCUS PLACE

Telephone 0456 892 305

Email AARONANDJODIE@BIGPOND.COM

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

Telephone .....

Email .....

2. Details of Land (refer to your Rates Notice)

Assessment Number 9004

Property Address 26 HARCUS PLACE, PORT AUGUSTA SA 5700

Owner of Land (if not you) .....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.

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3. Categories of Rebate

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

*Note that you can only be eligible for either a Mandatory Rate or Discretionary Rebate, not both.*

DISCRETIONARY REBATE

The Council may, in its discretion, grant a rate rebate 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.

4. Amount of Rebate

Please specify the amount of rebate that you are applying for \$1915

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.

My next door neighbour who has the same site value and land size as me is currently paying only \$3588, I am being discriminated against by an inconsistent Council Policy that I was not aware of at the time of buying my property, as the conveyancers and Real Estate agents in town had not been sufficiently advised of the Policy and therefore have not been passing this on to potential buyers. I was unable to make an informed decision. I have attached a copy of my letter to Mr John Banks dated 20<sup>th</sup> August 2018 to further explain my situation.

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5. **Supporting Information Required**

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

1. evidence that the land is being used for the purpose for which the rebate is being sought;
2. information as to whether, and if so to what extent, you (or your organisation) will be providing a service within the Council area;
3. the extent of financial assistance (if any) being provided by Commonwealth or State agencies;
4. whether you are in receipt of a community grant;
5. a copy of your audited financial statement of the previous years' activities;
6. whether you are the holder of a liquor license;
7. number of members (if a community group);
8. any other information that you believe is relevant in support of this Application.

6. **Application Forms**

Where possible, application forms and all additional information should be submitted to the Council on or before 1<sup>st</sup> April for the following financial year.

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

7 **Statement of Acknowledgement**

- 7.1 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.
  - 7.2 If a person or body has the benefit of a rate rebate 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.
  - 7.3 The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.
-



- 7.4 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 within this application form is true and correct*

DATED the 24TH day of AUGUST 2018

Signed JODIE MARIE HARRIS

Full Name JODIE MARIE HARRIS

Position Held \_\_\_\_\_

**The Application form and all supporting information to be submitted:**

In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700

By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

By Email: [admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au)

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26 Harcus Place  
Port Augusta SA 5700

20 August 2018

Mr John Banks  
Port Augusta City Council  
4 Mackay St  
Port Augusta SA 5700

Dear Mr Banks

I am writing to you seeking an explanation of the inconsistencies in the council rate notices for 2018/19 and the unfair council capping policy that is burdening some ratepayers with significant increases.

We were shocked to receive our rates notice on Thursday 9th August, I immediately rang the Council to find out how they had increased by 43% from the previous year and was told that I needed to speak to Sally Thomas. I attended the council building on Thursday afternoon and spoke to Sally who informed me that the site value had not changed at all, however, I was no longer entitled to receive capping that the previous owners had received on my property due to the Council's capping policy.

Sally said that I should have been informed about this change by either the Conveyancer or Real Estate agent when I was looking at the property. This did not happen. I rang Rosa Manno at Johnston Withers when I left council and asked her if she was aware of this council policy, she said that she was not aware and had she known she would have told me. I also rang the real estate agent Greg Kipling the next day he said he didn't know about it either, but coincidentally he had received an email from council earlier that morning, sent to all real estate agents in Pt Augusta, reminding them of the capping rebate policy for new homeowners. This was information that Greg said he had never received from council before.

When buying this property we had been told what the current rates were and I was concerned about the rates for Harcus Place being \$2000 more than I was already paying. I would have reconsidered purchasing the property if I knew that my rates were going to increase so much more on transfer and what I could potentially be paying in subsequent years, however I was not given any indication of what the rates might be, so I was unable to make an informed decision. I have been a ratepayer in Port Augusta for 12 years but my rates in Davenport St have never had a capping amount so I wasn't aware of this being applied to other properties.

I have spoken with the Local Government Association Ombudsman, who suggested that I write this letter in the first instance as *The Local Government Association Act 1999* S.166 (1) (m) allows individual councils to grant discretionary rebates 'where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

(i) 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  
(ii) a liability that is unfair or unreasonable;

I believe it is reasonable to consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.'

*The Local Government Association Act 1999* S. 153 (2) states 'a council must, in fixing its rates for the purposes of this section, consider issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community'. Other residents in Harcus

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Place have the same site value as me and their rates are \$3588, I get the same services, such as waste collection and access to other council services as everybody else, so I don't understand why my council rates can be almost \$2000 more than my next door neighbour. This is not consistent or comparable.

The local government Association website says that on average South Australian households pay \$25 per week for their rates, however mine are set at \$105.83 per week, more than four times the average.

The Port Augusta Council's Annual Business Plan & Budget 2018/19 states [pg 14] their intention "to increase operating revenue without materially increasing rates" however by removing the rate capping for some and not others it has had a significant impact on some ratepayers.

We feel we have been penalised for investing in Port Augusta and purchasing a house that meets the needs of our growing family. It has turned the purchase of a dream house into a reality of sleepless nights wondering why and how we can be discriminated against in this way. We believed that Council rates were set for a property not an individual ratepayer.

We would like to discuss this matter with you at a mutually convenient time so that you can explain this inequality, because saying it is a council policy is not a satisfactory reason to discriminate in this way.

Yours Sincerely

Jodie and Aaron Harris

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**APPENDIX 10**

Civic Centre: 4 Mackay Street  
Port Augusta South Australia 5700

Postal Address: PO Box 1704  
Port Augusta South Australia 5700

Telephone (08) 8641 9100  
Facsimile (08) 8641 0357

admin@portaugusta.sa.gov.au  
www.portaugusta.sa.gov.au



**Port Augusta**

CITY COUNCIL

F18/236  
AR18/ 38466

26 September 2018

Mrs J M Harris  
26 Marcus Place  
Port Augusta West SA 5700

Dear Jodie

Application for Discretionary Rebate – Assessment 9004

I refer to your application for a Discretionary Rebate of general rates for your property at 26 Marcus Place, Port Augusta West (Assessment number 9004).

This matter was discussed, in confidence, by the Council at its meeting on Monday 24 September 2018. The Council resolved not to provide the discretionary rebate that you applied for under section 166 of the *Local Government Act 1999* ('the LG Act').

As part of the discussions and in support of the Council decision to refuse your application, the Council noted that from the 2012/2013 rating year, following substantial changes in site valuations across Port Augusta and Stirling North, the Council determined that it was appropriate to grant, pursuant to section 166(1)(i)(ii) of the LG Act, a discretionary rebate in the nature of a 'cap' on the general rate, in order to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer. Exclusions applied to eligibility for this rebate, including where there had been a change of ownership in the preceding 18 months.

The rationale which supports the relevant exclusion is that the change of ownership triggers the cap to be removed because the site value is already in place when the ownership changes, i.e. the new owner has not experienced the increase in site value and resultant sudden increase in the liability for the general rates

The exclusion from the cap was clearly stated in the Certificate of Liabilities that was provided to the Real Estate Agent acting on your behalf. Therefore, the Council has met its legal obligation in providing this advice to your agent. It is acknowledged that you have stated that the Real Estate Agent did not provide the full Search Report to you. Whilst this is unfortunate, it is a matter that is outside of the control of the Council.

The Council also resolved to request the REISA to review the adequacy of Form 7 as some of their members seem to be having difficulty in interpreting the information in relation to rate rebates.



Finally, whilst the Council considers that it has now appropriately and reasonably completed its official functions in relation to this matter, you are, of course, able to further pursue the issue with the SA Ombudsman should you choose to do so.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A O'Reilly', written in a cursive style.

Anne O'Reilly  
Director Corporate & Community Services

## APPENDIX 11

## Tyler Johns

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**From:** Jodie Harris <aaronandjodie@bigpond.com>  
**Sent:** Monday, 22 October 2018 10:50 PM  
**To:** ceo@portaugusta.sa.gov.au; Sam Johnson; Phillip Brown  
**Subject:** Special Council Meeting Agenda with Attachments 05 10 2016  
**Attachments:** Special Council Meeting Agenda with Attachments 05 10 2016.pdf; ATT00001.txt

Hello Phil, Sam & John

Here is the document that I mentioned in tonight's question time.

In the Council's letter sent to me dated 26 September 2018, it states that refusal of my application for a discretionary rebate was supported by council policy that excludes eligibility where there had been a change of ownership in the preceding 18 months.

However, in the attached document, option 4, which I believe is what council went with, there were 9 properties, including the property I now own (assessment 9004) granted rebates despite ownership change in the prior 18 months. Additionally, there were 62 rebates granted to properties that were not even a principal place of residence.

I would like an explanation of how Council can refuse my application, when the previous owners of my property were given the rebate, despite not meeting the eligibility requirements.

Also I am happy for you to contact John Darley's office on 82379114, I don't have the lady's name who I spoke to, but I'm certain she will remember me, as she rang me 3 times that day with information. When she spoke to Sally at the Pt Augusta council on 10/10/18 she was told that I could apply & be eligible for a rebate after I had owned my property for 18 months.

Look forward to your response on this matter.

Kind regards  
Jodie Harris

ATT00001



# Port Augusta

CITY COUNCIL

## NOTICE OF SPECIAL COUNCIL MEETING

### MEMBERSHIP

Mayor Sam Johnson

Cr Brett Benbow	Cr Phillip Brown
Cr Phil Greagen OAM	Cr Colleen Hutchison
Cr Ann Johnston	Cr Lisa Lumsden
Cr Tony Mitchell	Cr Mark Myers
Cr Fran Paynter	

Notice is hereby given pursuant to Section 82 of the *Local Government Act 1999*, that a **SPECIAL COUNCIL MEETING** will be held in the Council Chambers, 4 Mackay Street, Port Augusta on **WEDNESDAY 5 OCTOBER 2016** commencing at **the conclusion of the Informal Gathering (6pm)**

A copy of the Agenda for the above meeting is attached to this notice.

**JOHN BANKS**  
**CHIEF EXECUTIVE OFFICER**  
28/09/2016

Civic Centre: 4 Mackay Street  
Port Augusta South Australia 5700  
Postal Address: PO Box 1704  
Port Augusta South Australia 5700

Telephone (08) 8641 9100  
Facsimile (08) 8641 0357  
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[www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

## **AGENDA**

- 1. DECLARE MEETING OPEN**
- 2. APOLOGIES & LEAVE OF ABSENCE**
- 3. CONFLICT OF INTEREST**
- 4. REPORTS**
  - 4.1 AR16/39427 - Support for the Sale of a Portion of Land Captured with Allotments 50 and 52 in DP93846
  - 4.2 AR16/39348 – Consideration of Rebate for Residential Properties Previously Excluded from 2017/17 Capping
- 5. DECLARE MEETING CLOSED**



REPORT FOR:	<b>Special Council</b>		
MEETING DATE:	29 September 2016		
REPORT FROM:	Director City & Cultural Services		
REPORT TITLE:	<b>Support for the sale of a portion of land captured with Allotments 50 and 52 in DP93846</b>		
FILE NAME:	F14/449	RECORD NO:	AR16/39427

#### COMMUNITY VISION & STRATEGIC PLAN OUTCOMES

##### **1 We Thrive**

- 1.1 Identify and support new opportunities for our city to change and grow through bold and innovative projects including alternative energy and infrastructure.
- 1.2 Continue to promote Port Augusta as a great location to live, learn, work and visit.
- 1.3 Develop partnerships to attract investors in business proposals and new developments that contribute to a diversified and robust economy.
- 1.4 Maintain and develop tourism attractions and visitor services.

#### **PURPOSE**

The purpose of this report is to provide up dated information to Elected Members in relation to a proposed development on Allotment 51 in DP93846, which will impact of the adjoining land Allotments 50 and 52 in DP93846 which is under Council care, control and management, and if acceptable for Council to relinquish care, control and management over this Allotment to enable the State Government to undertake a further sub-division of the land and sell this additional land to the developer.

#### **RECOMMENDATION**

##### **Special Council:**

1. Supports the State Government in the sale of additional land to the developer to facilitate a substantial development on Allotment 51 including the additional land as indicated on the site plan – areas marked yellow and blue (refer Attachment B).

#### **BACKGROUND**

In late 2013, Council approved relinquishing care, control and management over Allotment 1 in DP 22423 CR5752/730 (refer Attachment A) to enable the State Government to undertake a sub-division of the land, and to rededicate Allotment 52 (Port Augusta Homing Club area) and Allotment 50 in DP 93846 (buffer for Port Augusta Golf Club). The purpose for the sub-division was to create a new Allotment 51, in addition to Allotments 50 and 52, which could then be sold on the open market. Council had also supported rezoning this land from recreational to residential as part of the Urban Growth DPA which was concluding in February 2010.

## **DISCUSSION**

Allotments 50 and 52 were approved by the Minister for Sustainability, Environment and Conservation in March 2015 to be rededicated for recreational purposes under the Council's care, control and management.

The State Government also has undertaken an open market sale process and was successful in attracting a developer who has purchased Allotment 51. Unfortunately, during the sale process, the developer understood that the boundary on the northern side was the tree line, where in fact it was around 70m less.

His plans for the site would be truly compromised if he is unable to acquire the additional land required to facilitate his development and has sought approval from the State Government to purchase additional land marked in yellow and blue on the attached plan. Further, the developer has also requested that he would be keen to enter into a peppercorn lease with Council over the land marked in pink so that he can beautify and landscape the area, which would remain a buffer between the Port Augusta Golf Course and the development.

To move this project forward the first step is to ascertain if Council supports the sale of the additional land highlighted in yellow and blue on the attached site plan (refer Attachment B) within Allotments 50 and 52. If the Minister for Sustainability, Environment and Conservation supports the sale of the additional land, Council will then be required to undertake a revocation proposal to remove the community land classification register against the subject land.

Consultation has been undertaken with the Port Augusta Homing Club and Port Augusta Golf Club and both have indicated that they do not have any objections to the purchase of the additional land marked yellow and blue on DP93846, by the developer.

As this is State Government land, Council does not receive any financial gains from the sale of the land.

It is recommended that Council supports an application being made to the Minister for Sustainability, Environment and Conservation to dispose of additional land captured within Allotments 50 and 52 to support development on Allotment 51 and the additional land identified. Following the further sub-division of the land, the balance of Allotments 50 and 52 will be again placed under Council's care, control and management.

## **CONFIDENTIALITY PROVISIONS**

Not applicable.

## **RISK MANAGEMENT**

### **1: Financial/Budget**

The revocation proposal is estimated to cost around \$700 for advertising and meeting costs.

### **2: Legal/Policy**

Section 194 of the *Local Government Act 1999* outlines the process to be followed when undertaking a revocation proposal.

### **3: Environment/Planning**

Not applicable.

**4: Community**

4.1 General

The community will be given an opportunity to comment on the proposed revocation proposal when released for consultation.

4.2 Aboriginal Community Consultation

The Aboriginal Advisory Committee will be provided a copy of the revocation proposal for comment.

**Lee Heron**  
**26/9/2016**









REPORT FOR:	<b>Special Council</b>		
MEETING DATE:	29 September 2016		
REPORT FROM:	Acting Director Corporate Services		
REPORT TITLE:	<b>Consideration of Rebate for Residential Properties previously excluded from 2016/17 Capping.</b>		
FILE NAME:	F15/886	RECORD NO:	AR16/39348

<b>COMMUNITY VISION &amp; STRATEGIC PLAN OUTCOMES</b>			
<b>6</b>	<b>We Achieve</b>		
6.5	We use and manage our financial resources in the best interests of our community, and to ensure financial sustainability and organisational efficiency, now and into the future.		

### **PURPOSE**

To provide information to Elected Members to enable consideration of a rebate for residential properties previously excluded from 2016/17 capping.

### **RECOMMENDATION**

#### **Council:**

1. Pursuant to Section 166(1)(l)(i) of the Local Government Act 1999, the Council, being satisfied that it is appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer 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, grants for the 2016/2017 financial year a discretionary rebate in respect of land with a land use category specified in Regulations 14(1) (a) under the Local Government (General) Regulations 2013 to those ratepayers whose total rates liability for general rates for the 2016/2017 financial year has increased by more than \$675 compared their total rates liability for general rates for the 2015/16 financial year in an amount equal to the difference between their rates liability for the 2015/2016 financial year and their rates liability for the 2016/2017 financial year plus \$675.

### **BACKGROUND**

On 4<sup>th</sup> July 2016, Council adopted the Annual Business Plan and Budget for 2016/17 and declared rates for the 2016/17 financial year.

The resolution included the following:

3. (a) Pursuant to Section 153(3) of the Act, Council determines to fix a maximum increase of 10% in the general rate to be charged on any rateable land within its area that constitutes the principal place of residence of a principal ratepayer subject to conditions 3(c)(ii) to (v); and



- (b) Pursuant to Section 166(1)(l)(ii) of the Act and to provide additional relief against what would otherwise amount to a substantial change in rates payable by a ratepayer, a rebate to limit the increase of the general rate on commercial land use and industrial land use to 25% for the 2016/2017 financial year will be granted to the Principal Ratepayer of an Assessment subject to conditions 3(c)(i) to (v).
- (c) The conditions referred to within 3(a) and 3(b) area as follows:
  - (i) any such increase is not due in full or in part to the use of the land being different for rating purposes on the date the Council declared its general rates for 2015/2016 financial year than on the date Council declared its general rates for the 2016/2017 financial year; or
  - (ii) the ownership of the rateable land has not changed in the preceding 18 months; or
  - (iii) subdivision of the land has not occurred since 1st July 2015; or
  - (iv) a notional value has not been assigned to the land by the Valuer-General; or
  - (v) a new valuation assessment has not been provided by the Valuer-General for the purpose of incorporating contiguous land.

The effect of this resolution was that a capping of 10% was not applied to residential land use properties which were not the principal place of residence of the principal ratepayer or where capping was excluded for conditions outlined above.

This resulted in a small number of residential land use properties (88 assessments) experiencing an increase in the general rate of more than 25% in 2016/17.

The capping rebates given in the current financial year were given with specific exclusions that were considered to alleviate inequities that have occurred with capping annual general rate increases to the net amount paid in a previous year.

It is understood that during the 2014/2015 budget deliberations, Council decided that the capping rebates would be phased out over the successive 3 years.

### **DISCUSSION**

Due to the substantial increase in rates on a small number of residential properties Council may wish to consider whether to grant a discretionary rebate of rates to these properties previously excluded from rebates.

Section 166 of the Local Government Act provides that "A Council may grant a rebate of rates" and then proceeds to define the instances in which they may provide a rebate.

Section 166(1)(l):

*"where the rebate is considered by the council to be appropriate to provide relief against what would otherwise amount to substantial change in rates payable by a ratepayer due to –*

- (i) *A redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates".*

Section 166 (2) provides that: *"A rebate of rates and charges under subsection (1) may be granted on such conditions as the council thinks fit"*.

Section (3a) provides that: *"A rebate of rates or charges under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years"*.

A suggested option is for Council to provide a discretionary rebate to those residential land use properties whose total rates liability for general rates for the 2016/17 financial year has increased by more than a set dollar amount compared with their total rates liability for general rates for the 2015/16 financial year in an amount equal to the difference between their rates liability for the 2015/16 financial year and their rates liability for the 2016/17 financial year plus the dollar amount.

The effect of this would be that the ratepayer would not be liable to pay an amount of (a set figure) more than the general rate of the 2015/16 financial year.

Attached to this report are several options available to Council.

Option 1 shows an estimated cost to Council of \$11,343 if Council provides a rebate of amounts above an increase of \$1000 over 2015/16 to the principal place of residence for the principal ratepayer. This scenario provides a rebate to 12 properties.

Option 2 lists assessments if a rebate is provided of the amounts above an increase of \$675 to residential land use properties which constitute the principal place of residence for the principal ratepayer. The estimated cost to Council would be \$16,146 and would provide a rebate to 20 properties. The figure of \$675 is based on an amount approximate to a 25% increase on the maximum rate applied in 2015/16 (\$2693 x 25%)

Option 3 shows an estimated cost to Council of \$55,900 if Council provides a rebate of amounts above an increase of \$1000 over 2015/16 to all residential land use properties. This option provides a rebate to 59 properties

Option 4 lists assessments if a rebate is provided of the amounts above an increase of \$675 to all residential land use properties. The estimated cost to Council would be \$77,742 and would provide a rebate to 83 properties.

Section 150 of the Local Government Act defines the basis of rating - general principles:

*"A Council should, when making and adopting policies and determinations concerning rates under this Act, take into account the following principles:*

- (a) Rates constitute a system of taxation for local government purposes (generally based on the value of land);*
- (b) Rating policies should make reasonable provision with respect to strategies to provide relief from rates (where appropriate), and any such strategies should avoid narrow or unreasonably restrictive criteria and should not require ratepayers to meet onerous application requirements;*
- (c) The council should, in making any decision, take into account the financial effects of the decision on future generations,*

*(but a challenge to a rate cannot be based on the extent to which a council has (or has not) applied these principles).*

These rating principles need to be fully considered when applying any form of rebate to assessments.

It is known that a number of ratepayers with high land values have lodged objections to their land valuation. Any person who believes that their assessed site value is incorrect can lodge an objection with the Valuer-General against their valuation, and provided that it is lodged within 60 days of the date of the first rate notice, the objection will be considered. If the objection is upheld and the valuation reduced, then the general rate is amended in accordance with the new value provided by the Valuer-General. If rates have been paid in full – then the credit is refunded to the principal ratepayer.

As at the date of writing this, no results of those objections have been formally advised to Council. As an objection that is upheld will reduce the amount of rates payable – it should be kept in mind that any rebate given by Council prior to an objection being advised will not be varied by the objection change.

### **CONFIDENTIALITY PROVISIONS**

Nil

### **RISK MANAGEMENT**

#### **1: Financial/Budget**

A further report will be presented to Council for consideration of budget savings to offset additional discretionary rebates provided by Council as well as the increased EPA non metropolitan Waste Levy charges from \$31 to \$38 per tonne which came into effect from 1<sup>st</sup> September 2016.

#### **2: Legal/Policy**

Legal advice has been sought in relation to this matter to ensure that the resolution is within the Local Government Act 1999.

#### **3: Environment/Planning**

n/a

#### **4: Community**

##### 4.1 General

Amended rates notices for the succeeding three quarter instalments will be forwarded to affected ratepayers. If rates have already been paid in full, a credit will be applied to the rates.

##### 4.2 Aboriginal Community Consultation

A copy of this report will be tabled at the next meeting.

**Anne O'Reilly**  
**27/09/2016**

Option 1 - a rebate of amounts above an increase of \$1000 over 2015/16 to the principal place of residence for the principal ratepayer.

ass_num	2016 General Rate Levy less capping	2017 General Rate Levy less capping	Change in \$ terms	%-change	Reason for exclusion	rate if capped at \$1000 increase	difference
7029	2693	3721.8	1028.8	38.20	notional value assigned to land - capping excluded	3693	\$ 28.80
3176	2693	3845.86	1152.86	42.81	notional value assigned to land - capping excluded	3693	\$ 152.86
2740	1991.01	3473.68	1482.67	74.47	no capping rebate - subdivision	2991.01	\$ 482.67
6944	2693	4242.85	1549.85	57.55	ownership change in last 18 months - capping excluded	3693	\$ 549.85
7147	2162.51	4218.04	2055.53	95.05	capping excluded - new valuation number	3162.51	\$ 1,055.53
9004	2693	4838.34	2145.34	79.66	ownership change in last 18 months - capping excluded	3693	\$ 1,145.34
7085	2693	5334.58	2641.58	98.09	ownership change in last 18 months - capping excluded	3693	\$ 1,641.58
9996	2693	5830.82	3137.82	116.52	new valuation assessment - capping excluded	3693	\$ 2,137.82
9382	2693	6575.18	3882.18	144.16	maximum rate removed/ownership change in last 18 months	3693	\$ 2,882.18
2635	2106	3528.05	1422.05	67.52	ownership change in last 18 months - capping excluded	3106	\$ 422.05
6754	2106	3528.05	1422.05	67.52	ownership change in last 18 months - capping excluded	3106	\$ 422.05
7535	2106	3528.05	1422.05	67.52	ownership change in last 18 months - capping excluded	3106	\$ 422.05
							<b>\$11,342.78</b>



## Option 3 - a rebate of amounts above an increase of \$1000 over 2015/16 to all residential land use properties

ass_num	2016 General Rate Levy less capping	2017 General Rate Levy less capping	Change in \$ terms	%- change	reason	rate if capped at \$1000 increase	difference
5102	2693	3895.48	1202.48	44.65	maximum rate removed /not principal place of residence	3693	\$ 202.48
6931	2693	3895.48	1202.48	44.65	maximum rate removed/not principal place of residence	3693	\$ 202.48
9393	1991.01	3299.99	1308.98	65.74	maximum rate removed - capping still applied	2991.01	\$ 308.98
234	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3693	\$ 326.54
9651	2693	4019.54	1326.54	49.26	maximum rate removed/hot principal place of residence	3693	\$ 326.54
9652	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3693	\$ 326.54
10830	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3693	\$ 326.54
9656	2693	4118.79	1425.79	52.94	maximum rate removed/not principal place of residence	3693	\$ 425.79
9280	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9281	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9282	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9285	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9286	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9288	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9290	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9291	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9292	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9294	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
9649	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3693	\$ 549.85
4624	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3693	\$ 549.85
6945	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3693	\$ 549.85
7145	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3693	\$ 549.85
4942	2693	4317.29	1624.29	60.32	maximum rate removed /not principal place of residence	3693	\$ 624.29



10007	1870.75	3771.42	1900.67	101.60	not principal place of residence - capping excluded	2870.75	\$	900.67
6766	2693	4689.47	1996.47	74.14	maximum rate removed /not principal place of residence	3693	\$	996.47
7602	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3693	\$	1,145.34
7086	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3693	\$	1,145.34
7077	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3693	\$	1,145.34
10022	2693	4962.4	2269.4	84.27	maximum rate removed /not principal place of residence	3693	\$	1,269.40
10395	2693	5086.46	2393.46	88.88	maximum rate removed /not principal place of residence	3693	\$	1,393.46
7008	2693	5210.52	2517.52	93.48	maximum rate removed /not principal place of residence	3693	\$	1,517.52
2069	2693	5706.76	3013.76	111.91	maximum rate removed /not principal place of residence	3693	\$	2,013.76
3356	2693	6327.06	3634.06	134.94	maximum rate removed /not principal place of residence	3693	\$	2,634.06
2629	2693	6451.12	3758.12	139.55	maximum rate removed /not principal place of residence	3693	\$	2,758.12
3941	2693	7071.42	4378.42	162.59	maximum rate removed /not principal place of residence	3693	\$	3,378.42
7063	2693	7071.42	4378.42	162.59	maximum rate removed /not principal place of residence	3693	\$	3,378.42
3315	2693	8932.32	6239.32	231.69	maximum rate removed /not principal place of residence	3693	\$	5,239.32
7029	2693	3721.8	1028.8	38.20	notional value assigned to land - capping excluded	3693	\$	28.80
3176	2693	3845.86	1152.86	42.81	notional value assigned to land - capping excluded	3693	\$	152.86
2740	1991.01	3473.68	1482.67	74.47	no capping rebate - subdivision	2991.01	\$	482.67
6944	2693	4242.85	1549.85	57.55	ownership change in last 18 months - capping excluded	3693	\$	549.85
7147	2162.51	4218.04	2055.53	95.05	capping excluded - new valuation number	3162.51	\$	1,055.53
9004	2693	4838.34	2145.34	79.66	ownership change in last 18 months - capping excluded	3693	\$	1,145.34
7085	2693	5334.58	2641.58	98.09	ownership change in last 18 months - capping excluded	3693	\$	1,641.58
9996	2693	5830.82	3137.82	116.52	new valuation assessment - capping excluded	3693	\$	2,137.82
9382	2693	6575.18	3882.18	144.16	maximum rate removed/ownership change in last 18 months	3693	\$	2,882.18
6767	2106	3252.69	1146.69	54.45	maximum rate removed/not principal place of residence	3106	\$	146.69
9972	2106	3252.69	1146.69	54.45	maximum rate removed/not principal place of residence	3106	\$	146.69
6961	2106	3528.05	1422.05	67.52	maximum rate removed/not principal place of residence	3106	\$	422.05
6998	2106	3528.05	1422.05	67.52	maximum rate removed/not principal place of residence	3106	\$	422.05
7604	2106	3528.05	1422.05	67.52	maximum rate removed/not principal place of residence	3106	\$	422.05
9153	2106	3528.05	1422.05	67.52	maximum rate removed/not principal place of residence	3106	\$	422.05
9239	2106	3528.05	1422.05	67.52	maximum rate removed/not principal place of residence	3106	\$	422.05



## Option 4 - a rebate of amounts above an increase of \$675 over 2015/16 to all residential land use properties

ass_num	2016 General Rate Levy less capping	2017 General Rate Levy less capping	Change in \$ terms	%- change	reason	rate if capped at \$675 increase	difference
6807	2693	3424.05	731.05	27.15	Not principal place of residence for principal ratepayer	3368	\$ 56.05
3307	2693	3473.68	780.68	28.99	not principal place of residence for principal ratepayer	3368	\$ 105.68
2489	2693	3498.49	805.49	29.91	Not principal place of residence for principal ratepayer	3368	\$ 130.49
7152	2693	3548.11	855.11	31.75	Not principal place of residence for principal ratepayer	3368	\$ 180.11
7600	2693	3647.36	954.36	35.44	Not principal place of residence for principal ratepayer	3368	\$ 279.36
10260	2693	3672.17	979.17	36.36	Not principal place of residence for principal ratepayer	3368	\$ 304.17
5102	2693	3895.48	1202.48	44.65	maximum rate removed /not principal place of residence	3368	\$ 527.48
6931	2693	3895.48	1202.48	44.65	maximum rate removed/not principal place of residence	3368	\$ 527.48
9393	1991.01	3299.99	1308.98	65.74	maximum rate removed - capping still applied	2666.01	\$ 633.98
234	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3368	\$ 651.54
9651	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3368	\$ 651.54
9652	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3368	\$ 651.54
10830	2693	4019.54	1326.54	49.26	maximum rate removed/not principal place of residence	3368	\$ 651.54
9656	2693	4118.79	1425.79	52.94	maximum rate removed/not principal place of residence	3368	\$ 750.79
9280	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9281	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9282	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9285	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9286	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9288	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9290	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9291	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9292	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85
9294	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$ 874.85

9649	2693	4242.85	1549.85	57.55	maximum rate removed /not principal place of residence	3368	\$	874.85
4624	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3368	\$	874.85
6945	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3368	\$	874.85
7145	2693	4242.85	1549.85	57.55	maximum rate removed/not principal place of residence	3368	\$	874.85
4942	2693	4317.29	1624.29	60.32	maximum rate removed /not principal place of residence	3368	\$	949.29
10007	1870.75	3771.42	1900.67	101.60	not principal place of residence - capping excluded	2545.75	\$	1,225.67
6766	2693	4689.47	1996.47	74.14	maximum rate removed /not principal place of residence	3368	\$	1,321.47
7602	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3368	\$	1,470.34
7086	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3368	\$	1,470.34
7077	2693	4838.34	2145.34	79.66	maximum rate removed /not principal place of residence	3368	\$	1,470.34
10022	2693	4962.4	2269.4	84.27	maximum rate removed /not principal place of residence	3368	\$	1,594.40
10395	2693	5086.46	2393.46	88.88	maximum rate removed /not principal place of residence	3368	\$	1,718.46
7008	2693	5210.52	2517.52	93.48	maximum rate removed /not principal place of residence	3368	\$	1,842.52
2069	2693	5706.76	3013.76	111.91	maximum rate removed /not principal place of residence	3368	\$	2,338.76
3356	2693	6327.06	3634.06	134.94	maximum rate removed /not principal place of residence	3368	\$	2,959.06
2629	2693	6451.12	3758.12	139.55	maximum rate removed/not principal place of residence	3368	\$	3,083.12
3941	2693	7071.42	4378.42	162.59	maximum rate removed/not principal place of residence	3368	\$	3,703.42
7063	2693	7071.42	4378.42	162.59	maximum rate removed/not principal place of residence	3368	\$	3,703.42
3315	2693	8932.32	6239.32	231.69	maximum rate removed/hot principal place of residence	3368	\$	5,564.32
6694	2693	3374.43	681.43	25.30	Capping excluded due to Notional Value	3368	\$	6.43
2386	2094.49	2803.75	709.26	33.86	ownership change in last 18 months - capping excluded	2769.49	\$	34.26
7135	2693	3473.68	780.68	28.99	notional value assigned to land - capping excluded	3368	\$	105.68
7140	2693	3473.68	780.68	28.99	notional value assigned to land - capping excluded	3368	\$	105.68
7084	2693	3523.3	830.3	30.83	notional value assigned to land - capping excluded	3368	\$	155.30
1597	2094.49	2962.3	867.81	41.43	partial rev of cap - allow 10% increase	2769.49	\$	192.81
9701	1991.01	2962.3	971.29	48.78	partial rev of cap - allow 10% increase	2666.01	\$	296.29
7029	2693	3721.8	1028.8	38.20	notional value assigned to land - capping excluded	3368	\$	353.80
3176	2693	3845.86	1152.86	42.81	notional value assigned to land - capping excluded	3368	\$	477.86
2740	1991.01	3473.68	1482.67	74.47	no capping rebate - subdivision	2666.01	\$	807.67
6944	2693	4242.85	1549.85	57.55	ownership change in last 18 months - capping excluded	3368	\$	874.85



## APPENDIX 12



## Tyler Johns

---

**From:** Anne O'Reilly <aoreilly@portaugusta.sa.gov.au>  
**Sent:** Thursday, 25 October 2018 2:01 PM  
**To:** Jodie  
**Subject:** FW: Special Council Meeting Agenda with Attachments 05 10 2016

Hi Jodie

CEO, John Banks has requested that I respond to your e-mail to the Mayor as per below.

In the 2016/17 rating year, the abolition of the maximum rate that had been previously provided to ratepayers exposed the subsidy that owners of higher valued residential use land had been receiving over a number of years.

Following a number of complaints to Council regarding this substantial increase, an informal gathering was held on 19th September 2016 to discuss the background to the substantial increases and potential response by Council.

Following the informal gathering, a report was prepared to Council with a resolution passed that effectively provided a cap on the increase in general rates for ratepayers in the 2016/17 rating year to an increase of \$675 above the 2015/16 year general rates.

This was a 'once off' event to minimise the impact resulting from the removal of the 'maximum cap'. Subsequent years has seen the capping rebate continue to be provided to assessments to limit the increase in rates to a set percentage for that rating year. There have been specific exclusions to the capping rebate as outlined in the rating policies for those years.

In relation to the information provided to Mr Darley's office, the aim of the policy is that if a ratepayer experiences a significant increase (for example due to a sudden increase in site value) in general rates above a cap from one rating year to the next for a particular property, they may be eligible for a capping rebate, exclusions apply, as per Council policy.

If the general rate for your property increased above a capped percentage (for example due to a significant increase in site value) as per Council policy after the 18 month exclusion period has concluded, you may be eligible for a capping rebate as per the rating policy at that time.

Regards

**Anne O'Reilly**  
Director Corporate & Community Services



**E:** [aoreilly@portaugusta.sa.gov.au](mailto:aoreilly@portaugusta.sa.gov.au) | **P:** (08) 8641 9100 | **M:** 0419 315 795  
**A:** 4 Mackay Street (PO Box 1704), PORT AUGUSTA SA 5700  
**W:** [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

**APPENDIX 13**

## Tyler Johns

---

**From:** Jodie Harris <aaronandjodie@bigpond.com>  
**Sent:** Thursday, 25 October 2018 5:13 PM  
**To:** Anne O'Reilly  
**Subject:** Re: Rate capping

Thanks Anne

That has been very useful.

Kind regards  
Jodie

> On 25 Oct 2018, at 2:09 pm, "Anne O'Reilly" <aoreilly@portaugusta.sa.gov.au> wrote:  
>  
> Hi Jodie  
>  
> I've put my responses at the end of each question....  
>  
> So if someone had a block of land and they received a capping rebate 17/18 but they built on it during the year, they wouldn't be eligible for the rebate this year 18/19? Is that correct? .....Yes - if the VG provided an update to the land use by the time the 2018/19 rates were declared.  
>  
> Because I thought if it was residential land the site value wouldn't change if there's now a house on it? .....The site value may not change but the land use may change from vacant to residential which would be an exclusion for rate capping. A change in land use can also result in a different rate in the \$  
>  
> What if someone bought land that was next to their house & had it changed to one title, so that their site value increased, would they be eligible for a capping rebate on the increase in rates? Assuming they'd lived in the house for many years not having a rebate & zoning hadn't changed just that the land was larger. ....As per the capping exclusions, the capping may be excluded for two reasons in this scenario - if a new valuation assessment was provided by the Valuer General for the purpose of incorporating contiguous land or if the property was issued a 'notional value' by the Valuer General, then capping would be removed.  
>  
> regards  
>  
> Anne O'Reilly  
> Director Corporate & Community Services  
>  
>  
>  
> E: aoreilly@portaugusta.sa.gov.au | P: (08) 8641 9100 | M: 0419 315 795  
> A: 4 Mackay Street (PO Box 1704), PORT AUGUSTA SA 5700  
> W: www.portaugusta.sa.gov.au  
>  
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>  
>  
> -----Original Message-----

> From: Jodie [mailto:[aaronandjodie@bigpond.com](mailto:aaronandjodie@bigpond.com)]

> Sent: Thursday, 25 October 2018 12:43 PM

> To: Anne O'Reilly

> Subject: Re: Rate capping

>  
> Thanks Anne

>  
> So if someone had a block of land and they received a capping rebate 17/18 but they built on it during the year, they wouldn't be eligible for the rebate this year 18/19? Is that correct?

> Because I thought if it was residential land the site value wouldn't change if there's now a house on it?

>  
> What if someone bought land that was next to their house & had it changed to one title, so that their site value increased, would they be eligible for a capping rebate on the increase in rates? Assuming they'd lived in the house for many years not having a rebate & zoning hadn't changed just that the land was larger.

>  
> I'm just trying to get my head around the conditions for ineligibility.

>  
> I appreciate your time

> Regards

> Jodie

>> On 25 Oct 2018, at 9:55 am, Anne O'Reilly <[aoreilly@portaugusta.sa.gov.au](mailto:aoreilly@portaugusta.sa.gov.au)> wrote:

>>  
>> Hi Jodie

>>  
>> Council's basis of rating is land use and locality. Council has adopted the Local Government Land Use Codes for rating purposes: residential, commercial -shop, commercial - office, commercial - other, industry - light, industry -other, primary production, vacant land and other. Council has adopted its Development Plan as the basis for differential rating by location (locality).

>>  
>> There may be a change of land use from one rating year to another for reasons such as going from a land use of 'vacant land' to 'residential' if a house is built on a vacant block or vice versa if a house is demolished. A similar example would be a business commencing on land that had previously been used for a different purpose such as residential or vacant.

>>  
>> regards

>>  
>> Anne O'Reilly

>> Director Corporate & Community Services

>>  
>> E: [aoreilly@portaugusta.sa.gov.au](mailto:aoreilly@portaugusta.sa.gov.au) | P: (08) 8641 9100 | M: 0419 315 795

>> A: 4 Mackay Street (PO Box 1704), PORT AUGUSTA SA 5700

>> W: [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

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>> -----Original Message-----

>> From: Jodie [mailto:[aaronandjodie@bigpond.com](mailto:aaronandjodie@bigpond.com)]

>> Sent: Wednesday, 24 October 2018 12:06 PM

>> To: Anne O'Reilly

>> Cc: [ceo@portaugusta.sa.gov.au](mailto:ceo@portaugusta.sa.gov.au)

>> Subject: Rate capping

>>

>> Hi Anne

>>

>> Can you please explain the first condition for exclusion of rate capping

>> (i) any such increase is not due in full or in part to the use of the land being different for rating purposes on the day the council declared its general rates for 2017/2018 financial year than on the date council declared its general rights for the 2018/2019 financial year.

>>

>> How can someone's land be "different"?

>>

>> Thanks and regards

>> Jodie Harris

>

**APPENDIX 14**



## Tyler Johns

---

**From:** Jodie <aaronandjodie@bigpond.com>  
**Sent:** Monday, 19 November 2018 12:25 PM  
**To:** Anne O'Reilly; Port Augusta City Council  
**Cc:** ceo@portaugusta.sa.gov.au  
**Subject:** Rate rebate Jodie Harris  
**Attachments:** Jodie Harris Discretionary Rate Rebate Application 2018-19.pdf; ATT00001.htm

Hello Anne

In light of the new information I have received regarding the rebates granted to ratepayers 2 years ago, despite ownership change occurring in the prior 18 months, I am resubmitting my application for a discretionary rebate that I would like to be considered by the new council at the next meeting.

Please find application attached.

Kind regards  
Jodie Harris

# DISCRETIONARY RATE REBATE

## APPLICATION FORM

2018 / 2019



Port Augusta

CITY COUNCIL

1. Details of Applicant

Name JODIE HARRIS

Address 26 HARCUS PLACE

Telephone 0456 892 305

Email AARONANDJODIE@BIGPOND.COM

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

Telephone .....

Email .....

2. Details of Land (refer to your Rates Notice)

Assessment Number 9004

Property Address 26 HARCUS PLACE, PORT AUGUSTA SA 5700

Owner of Land (if not you) .....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.

---

3. **Categories of Rebate**

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

*Note that you can only be eligible for either a Mandatory Rate or Discretionary Rebate, not both.*

**DISCRETIONARY REBATE**

The Council may, in its discretion, grant a rate rebate 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 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.**

4. **Amount of Rebate**

Please specify the amount of rebate that you are applying for **\$1915**

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.

**My next door neighbour who has the same size block and site value as me is currently paying \$3588. My rates are \$5503, which is \$1915 more than my neighbour and an increase of 43% from the 2017/18 rates.**

**I was told that I am excluded from the capping rebate of \$1915 that my neighbour receives as the cap is removed from a property where a change of ownership has occurred in the preceding 18 months.**

---

However, I have recently discovered that 2 years ago, 9 properties, including the property I now own, were granted rebates despite ownership change in the prior 18 months. Council granted these rebates to minimise the impact resulting from the removal of the 'maximum cap'. Subsequent years has seen the capping rebate continue to be provided to assessments to limit the increase in rates to a set percentage for that rating year.

All I am asking for is to receive the same consideration from council that they have provided to other ratepayers in previous years.

Councils are able to grant discretionary rebates per section 166 of The Local Government Association Act 1999

(m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—

(i) 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

(ii) a liability that is unfair or unreasonable;

I would consider that a 43% increase is unfair and unreasonable compared to the average of 3.2% and the capping of 6% for other residential assessments.

Rates are a tax on land and not on a person who owns the land, the land value has not changed.

5. Supporting Information Required

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

1. evidence that the land is being used for the purpose for which the rebate is being sought;
2. information as to whether, and if so to what extent, you (or your organisation) will be providing a service within the Council area;
3. the extent of financial assistance (if any) being provided by Commonwealth or State agencies;
4. whether you are in receipt of a community grant;
5. a copy of your audited financial statement of the previous years' activities;
6. whether you are the holder of a liquor license;
7. number of members (if a community group);
8. any other information that you believe is relevant in support of this Application.

6. Application Forms

Where possible, application forms and all additional information should be submitted to the Council on or before 1<sup>st</sup> April for the following financial year.

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

**7 Statement of Acknowledgement**

- 7.1 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.
- 7.2 If a person or body has the benefit of a rate rebate 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.
- 7.3 The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.
- 7.4 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 within this application form is true and correct*

DATED the 19TH day of NOVEMBER 2018

Signed



Full Name JODIE MARIE HARRIS

**The Application form and all supporting information to be submitted:**

In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700

By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

By Email: [admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au)

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**APPENDIX 15**



## Tyler Johns

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**From:** Anne O'Reilly <aoreilly@portaugusta.sa.gov.au>  
**Sent:** Wednesday, 21 November 2018 3:16 PM  
**To:** Jodie  
**Subject:** RE: Rate rebate Jodie Harris

Hi Jodie

As a discretionary rebate application has been considered by Council and a resolution made, you may wish to consider a request to review a Council decision as per the policy no. 1.1.05 - 'Internal Review of a Council Decision'. (refer to Council's website under the heading of The Council, Council Policies, Statutory Manual).

Regards

**Anne O'Reilly**  
Director Corporate & Community Services



**E:** [aoreilly@portaugusta.sa.gov.au](mailto:aoreilly@portaugusta.sa.gov.au) | **P:** (08) 8641 9100 | **M:** 0419 315 795  
**A:** 4 Mackay Street (PO Box 1704), PORT AUGUSTA SA 5700  
**W:** [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

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Click here to learn more about Port Augusta: [www.portaugusta.sa.gov.au/goto/promovideo](http://www.portaugusta.sa.gov.au/goto/promovideo)

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**From:** Jodie [mailto:[aaronandjodie@bigpond.com](mailto:aaronandjodie@bigpond.com)]  
**Sent:** Monday, 19 November 2018 12:25 PM  
**To:** Anne O'Reilly; Port Augusta City Council  
**Cc:** [ceo@portaugusta.sa.gov.au](mailto:ceo@portaugusta.sa.gov.au)  
**Subject:** Rate rebate Jodie Harris

Hello Anne

In light of the new information I have received regarding the rebates granted to ratepayers 2 years ago, despite ownership change occurring in the prior 18 months, I am resubmitting my application for a discretionary rebate that I would like to be considered by the new council at the next meeting.

Please find application attached.

**APPENDIX 16**



**PortAugusta**

CITY COUNCIL

## **MINUTES OF SPECIAL PORT AUGUSTA CITY COUNCIL MEETING HELD ON THURSDAY 5 JULY 2018**

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**PRESENT**

Mayor S Johnson, Deputy Mayor B Benbow, Crs T Mitchell, A Johnston, P Brown, L Lumsden, F Paynter and C Hutchison.

**OFFICERS PRESENT**

Acting Chief Executive Officer Mrs S McKell, Director City & Cultural Services Mrs L Heron, Director Corporate & Community Services Mrs A O'Reilly, Financial Accountant Mrs R McCarthy & Executive Assistant Ms M Jenkins.

**GALLERY PRESENCE**

5

**Mayor Johnson declared the meeting open at 6pm.**

**MANDATORY &  
DISCRETIONARY  
REBATES 2018/2019  
AR18/14994  
F17/807**

Report withdrawn from Agenda.

**ATTENDANCE  
RECORD**

Apologies: Cr M Myers & Chief Executive Officer Mr J Banks.

Leave of Absence: Nil

**CONFLICT OF  
INTEREST**

Nil

**2018/2019 ANNUAL  
BUSINESS PLAN &  
BUDGET AND  
ADOPTION OF  
VALUATION &  
DECLARATION OF  
RATES  
AR18/21809  
F17/807**

Crs Lumsden/Hutchison that **Council:**

1. In accordance with Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all submissions received in accordance with section 123(6) of the Local Government Act 1999, adopts the Annual Business Plan (as in Appendix 1 – Annual Business Plan & Budget 2018/2019) including the Rating Policy 2018/2019 (Appendix 2) for the financial year ending 30 June 2019.
2. In accordance with Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011, adopts the Budget Estimates of Revenue & Expenditure for 2018/2019 (as in Appendix 1 to report AR18/21809 – Annual Business Plan & Budget 2018/2019).
3. Resolves that the Corporation of the City of Port Augusta for the 2018/2019 financial year adopts pursuant to Section 167(2)(a) of the Local Government Act 1999 the valuations of the Valuer-General of site values for all land in the area of the Council which amounts in total to value of \$609,448,000 and which represents the sum of all properties set forth in the assessment records of the Council for the 2018/2019 financial year and

hereby specifies the 5<sup>th</sup> day of July 2018, as the day upon which the adoption of such valuations of the Valuer-General shall become the valuations of the Council.

4. Adopts an increase in general rates of 3.2% applicable for the 2018/2019 financial year, and that in exercise of the powers contained in the Local Government Act 1999 in respect of the financial year ending 30<sup>th</sup> June 2019:
  - 4.1 That pursuant to Section 156(1)(c) of the Local Government Act 1999 the Council declares differential general rates according to the locality and the use of the land based upon the site value of the land on all rateable land within the area of the Council for the year ending 30<sup>th</sup> June, 2019 as follows:
    - (a) In the area of the City zoned in the Development Plan as Residential, Residential (Davenport), Highway Services, Bulky Goods, Residential Stables, Neighbourhood Centre, Urban Coastal, District Centre, Local Centre, Industry, Airport, Recreation:
      1. 2.9959 cents in the dollar on rateable land with a land use category of (a), (h), & (i);
      2. 4.7934 cents in the dollar on all rateable land with a land use category of (b), (c), (d), (e) & (f); and
      3. 0.7789 cents in the dollar for all rateable land with a land use category of (g).
    - (b) In the area of the City zoned in the Development Plan as Public Purposes, Defence, Conservation, Rural Living, Coastal Conservation, Primary Industry:
      1. 2.0672 cents in the dollar on rateable land with a land use category of (a) and (i).
      2. 4.7934 cents in the dollar on all rateable land with a land use category of (b), (c), (d), (e) & (f).
      3. 0.7789 cents in the dollar for all rateable land within a land use category of (g).
      4. 1.0785 cents in the dollar on all rateable land with a land use category of (h).
    - (c) In the area of the City zoned in the Development Plan as Coastal Holiday Settlement:
      1. 0.9587 cents in the dollar on all rateable land with a land use category of (a), (b), (c), (d), (e) & (f).
      2. 0.7789 cents in the dollar on all rateable land with a land use category of (g).
      3. 1.0785 cents in the dollar on all rateable land with a land use category of (h).
      4. 2.9959 cents in the dollar on all rateable land with a land use category of (i).

- (d) In all other areas not specifically referred to in sub-paragraphs (a), (b) and (c) above, 2.9959 cents in the dollar on all other rateable land irrespective of its land use category.
- 4.2 Pursuant to Section 158(1)(a) of the Local Government Act 1999 the Council fixes a minimum amount payable by way of rates of \$1,305.00 in respect of all rateable land in its area for the financial year ending 30<sup>th</sup> June 2019.
- 4.3 That pursuant to Section 153(3) of the Local Government Act 1999 there be no fixed maximum increase in the general rate on rateable land that constitutes the principal place of residence of a principal ratepayer to be charged for the financial year ended 30 June 2019.
- 4.4
  - (a) Pursuant to Section 166(1)(l)(ii) of the Act and to provide additional relief against what would otherwise amount to a substantial change in rates payable by a ratepayer, a rebate to limit the increase of the general rate on urban residential and non-urban residential to 6% and all other land use to 15% for the 2018/2019 financial year will be granted to the Principal Ratepayer of an Assessment subject to conditions 4.4(b)(i) to (v).
  - (b) The conditions referred to within 4.4(a) are as follows:
    - (i) any such increase is not due in full or in part to the use of the land being different for rating purposes on the date the Council declared its general rates for 2017/2018 financial year than on the date Council declared its general rates for the 2018/2019 financial year; or
    - (ii) the ownership of the rateable land has not changed in the preceding 18 months; or
    - (iii) subdivision of the land has not occurred since 1st July 2017; or
    - (iv) a notional value has not been assigned to the land by the Valuer-General; or
    - (v) a new valuation assessment has not been provided by the Valuer-General for the purpose of incorporating contiguous land.
- 5. (1) For the purpose of this resolution and in any subsequent resolution of the Council relating to the imposition of rates or charges pursuant to 155 of the Local Government Act 1999, for septic tank effluent disposal services, unless the contrary intention is clearly indicated, the term 'unit' means a unit as determined by Regulation 12 of the Local Government (General) Regulations.

- (2) Pursuant to Section 155 (2)(a) and (b) of the Local Government Act 1999 the Council imposes an annual service charge of **\$450** per unit for all vacant and occupied properties to which the effluent drainage disposal services is made available within the City of Port Augusta for the 2018/2019 financial year in the Willsden, Augusta Park, Hospital Road, Zanuckville, Conwaytown, Transcontinental Estate and Stirling North Community Waste Water Management Schemes.
6. Imposes pursuant to Section 155(2)(a) and (b) of the Local Government Act 1999:
- (1) an annual service charge of **\$224** for the purpose of a kerbside waste collection and recycling service for all occupied properties within the City of Port Augusta (with the exception of the Commissariat Point & Blanche Harbor Coastal home localities and Miranda Township) to which the service is provided or made available in 2018/2019 financial year.
  - (2) an annual service charge of **\$112** for the purpose of a mixed bin waste collection service to all residential properties within the Commissariat Point and Blanche Harbor Coastal Home localities and Miranda Township to which the service is provided or made available in the 2018/2019 financial year.
7. Pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999 and in order to reimburse the Council for amounts contributed to the Northern & Yorke Natural Resources Management Board for the financial year 2018/2019 totalling \$273,931 the Council declares a separate rate based on a fixed charge of **\$36.30** on all rateable properties within the area of the Council.
8. Continues work in relation to the service level and range review in the 2018/19 financial year.

CARRIED

**ANNUAL REVIEW  
FEES & CHARGES  
REGISTER & FEES &  
CHARGES POLICY  
2.6.03  
AR18/19765  
F10/286**

Crs Mitchell/Hutchison:

- 1. That **Council** adopts the Fees & Charges Policy 2.6.03 Appendix A and Fees & Charges Register AR18/23026) Appendix B as amended for the 2018/2019 financial year.
- 2. That **Council** notes that legislative charges set by statute for the 2018/2019 Financial Year will be updated as declared by SA Government Gazettal notification.
- 3. That **Council** updates the Policy Manual and its website accordingly and places an updated copy of the Fees & Charges Register on display at the principal office of the Council.

CARRIED

**CONFIRMED:**

Mayor \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX 17**





## 1. STATUTORY POLICY/PROCEDURES/CODES OF PRACTICE

### 1.1 LOCAL GOVERNMENT ACT 1999

POLICY NUMBER	1.1.10	Public Document?		Council or Administration	PAGES	11
		Yes	Council			
<b>SUBJECT:</b>						
<b>RATING POLICY 2018/2019</b>						
COUNCIL MEETING	AR18/25785	ISSUE DATE	05/07/18	REVIEW DATE	AR18/42679 - 22/10/18	DELETED DATE
EXTERNAL LEGISLATION Local Government Act 1999				INTERNAL REFERENCES		
RELATED POLICIES Rebate of Rates Policy 2.6.01 Hardship Policy for Residential Customers of Minor & Intermediate Water Retailers 2.6.15 Purchasing, Contracts & Tendering - 1.1.09				RESPONSIBLE OFFICER Director - Corporate & Community Services		

#### SECTION A

##### 1.0 POLICY STATEMENT

- 1.1 The Rating Policy sets out the guidelines that the Port Augusta City Council adheres to when setting and collecting rates from its community. Rates are not a fee for services. They constitute a system of taxation for Local Government purposes.

1.2 The policy covers:

- Method used to value land
- Adoption of valuations
- Notional values
- Rates impact statement
- Differential general rates
- Minimum rate
- Rate capping
- Natural Resource Management Levy
- Service charges
- Concessions
- Payment of rates
- Late payment of rates & debt recovery
- Remission and postponement of rates
- Rebate of rates
- Sale of land for non-payment of rates

1.3 ANNUAL ADOPTION OF THE POLICY

1.3.1 Section 123 of the Local Government Act 1999 (the Act) requires a Council to prepare and adopt each year an Annual Business Plan and Budget. Section 123 (2)(d) of the Act, the Annual Business Plan must set out the rates structure and policies for the financial year. A summary of the Annual Business Plan must be included with the first rates notice. The Annual Business Plan (as adopted) must be available for inspection (without charge) or purchase (on payment of a fee fixed by the Council).

This policy is available for inspection at the Customer Service Counter of the Council Office, 4 Mackay Street, Port Augusta SA 5700 or on Council's website [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

**2.0 PURPOSE**

2.1 To provide a clear understanding of the process for determining rates on an annual basis.

**3.0 RESPONSIBILITY & REVIEW**

3.1 Director – Corporate & Community Services

3.2 Reviewed annually in June/July of each year.

## 4.0 SECTION B

### 4.1 METHOD USED TO VALUE LAND

Councils may adopt one of three valuation methodologies to value the land in its area. They are:

- a) Capital Value – the value of the land and all of the improvements on the land;
- b) Site Value - the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements;
- c) Annual Value – a valuation of the rental potential of the land.

Council has decided to continue to use site value for the purpose of valuing land within the council area for the 2018/2019 financial year.

### 4.2 ADOPTION OF VALUATIONS

The Council is required to adopt the most recent valuations made by the Valuer-General for the 2018/2019 financial year prior to declaration of rates.

If a ratepayer is dissatisfied with the valuation made by the Valuer-General then they may object to the Valuer-General in writing within 60 days of receiving the first notice of the valuation, explaining the basis for the objection - provided they have not:

- a) previously received a notice of this valuation under the Local Government Act, in which case the objection period is 60 days from the receipt of the first notice; or
- b) previously had an objection to the valuation considered by the Valuer-General.

Further information is available at:

<https://www.sa.gov.au/topics/planning-and-property/owning-a-property/objecting-to-a-property-valuation>

The contact details for the Valuer General is:

State Valuation Office  
GPO Box 1354  
ADELAIDE SA 5001  
E-mail: [lsgobjections@sa.gov.au](mailto:lsgobjections@sa.gov.au)  
Telephone: 1300 653 346.

**NOTE - The Council has no role in this process. It is also important to note that the lodgement of an objection does not change the due date for payment of rates.**

### **4.3 NOTIONAL VALUES**

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain primary production land or where there is State heritage recognition. Application for a notional value must be made to the Office of the Valuer-General.

### **4.4 RATES IMPACT STATEMENT**

The Council has considered the impact of rates on business and associated activity in the area. In considering the impact, Council assessed the following matters:

- a) Council's policy on "Rebates of Rates" (2.6.01).
- b) The support provided for Regional Development Australia Far North, which in turn support small business operations in the City and adjoining areas.
- c) Council's Purchasing, Contracts & Tendering policy (1.1.09), which provides preference for local suppliers if certain criteria is met.
- d) Continuing Council support for the two major tourist facilities, the Australian Arid Lands Botanic Garden and the Wadlata Outback Centre, that provide broad economic benefit across the community and the region.
- e) The equity of the distribution of the rate burden between classes of ratepayers based on land use and occupation.
- f) Issues of equitability that over a number of years has been created as a result of wide and varied fluctuations in land value across the various localities within the City.
- g) The provisions of the Local Government Act pertaining to mandatory rebates.
- h) Current local, state and national economic conditions.
- i) Council's Asset Management Plans, Long Term Financial Plan and desire to achieve 'break even' at year 10 of the plan.

### **4.5 COUNCIL'S REVENUE RAISING POWERS**

The Local Government Act provides for a Council to raise revenue for the broad purposes of the Council through a general rate which applies to all rateable land. In accordance with the Local Government Act 1999 the following practices apply:

- a) All land within a council area is rateable, except for land specifically exempt (e.g. crown land, council occupied land and others as prescribed in the Local Government Act).
- b) The Local Government Act provides for rates to be assessed against any piece or section of land subject to separate ownership or occupation and requires that the division of land for the purposes of establishing separate ownership and occupation be made fairly and in accordance with principles and practices that apply on a uniform basis across the area of the council.



- c) When determining the basis for rating, Council is required under the provisions of the Local Government Act to take into account the following principles:
- i. that rates constitute a system of taxation for Local Government purposes;
  - ii. strategies to provide relief from rates where appropriate;
  - iii. take into account the financial effects of the decision on future generations.

- d) Council has set differential general rates in the dollar to raise the necessary revenue, by way of locality and utilising the 9 different categories of land use incorporated under the Local Government (General) Regulations, namely:

Locality – town planning zones including residential, residential (Davenport), Highway Services, Bulky Goods, Residential (Stables), Neighbourhood Centre, Urban Coastal, District Centre, Local Centre, Industry, Airport, Recreation, Public Purposes, Defence, Conservation, Rural Living, Coastal Conservation, Primary Industry, Coastal Holiday Settlement and All Other Areas

Land use:	1	Residential
	2	Commercial – Shop
	3	Commercial – Office
	4	Commercial – Other
	5	Industry Light
	6	Industry Other
	7	Primary Production
	8	Vacant Land
	9	Other

- e) The locality and the use to which the land is put may govern the differential rate. If a land owner is of the opinion that the locality or land use attribution is incorrect, they may object. The objection must be in writing and lodged within 60 days after the objector receives notice of the attribution of the particular land use or locality to which the objection relates and addressed to:-

[admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au) or

*Port Augusta City Council,  
PO Box 1704,  
PORT AUGUSTA SA 5700.*

Where there is a shed or structure located on otherwise vacant land, the land can no longer be deemed to be 'vacant' and the land use attributed will be 'other' provided that there is no commercial use of the land.

Where two residences exist on the one allotment and the residences are occupied by the occupiers children and/or their parent/s and additional or separate property services are not provided, Council will consider that the site is occupied by a single occupier being an extended family.

In addition, Council can raise separate rates, for specific areas of the Council or service rate or charges for specific services.

The Council also raises revenue through fees and charges, which are set giving consideration to the cost of the service provided and any equity issues. The list of applicable fees and charges is available at the Port Augusta City Council Civic Centre, 4 Mackay Street, Port Augusta or on Council's website at [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au). A Goods and Services Tax at a rate determined under the Goods and Services Tax Act 1999 will be charged on those fees not given exemption under the Act.

#### **4.6 MINIMUM RATE**

Council will impose a minimum amount payable by way of rates.

If 2 or more pieces of rateable land within the area of a council constitute a single farm enterprise, a minimum amount may only be imposed against 1 of the pieces of land. The owner of the land must apply to Council on the relevant form for this to be processed.

If two or more pieces of contiguous rateable land are owned by the same owner and occupied by the same occupier, a minimum amount may only be imposed against the whole of the land and not against individual pieces of it.

Where a Council imposes a minimum rate it must not apply to more than 35% of the total number of properties in the area subject to the separate assessment of rates.

The Council has decided to continue with a minimum rate the reasons being:

- a) It is considered appropriate that all rateable land owners make a contribution to the cost of administering the Council's activities and creating and maintaining the physical infrastructure that supports land.
- b) Minimum rates have been applied for many years and their continuation together with the rating impacts/trends that apply provide a consistent approach to rating levels.

For the 2018/19 financial year, Council has decided to impose a minimum rate of \$1,305 which will affect 33% of rateable properties.

#### **4.7 SERVICE CHARGES**

Council provides specific services for the benefit of specific properties for which service charges are applied. Services charges may be raised to cover the cost of establishing, operating, maintaining, improving and replacing such services. Funds raised may not be immediately required until future capital expenditure is necessary for renewing or replacing assets used in the provision of the service.



Council plans to impose the following service charges for the 2018/19 financial year:

#### Kerbside Waste Collection & Recycling Charge

In order to recover the cost to Council of establishing, operating and maintaining a kerbside waste collection/recycling service in its area, a service charge will apply to all households, businesses and occupancies that receive or are capable of receiving a service.

In 2018/2019 financial year the service charge will be \$224.

In areas where the kerbside waste collection is only available on a fortnightly basis such as Blanche Harbour and Miranda, properties will be charged \$112.

#### Community Wastewater Management Scheme (Effluent Drainage Scheme)

In some areas in the City of Port Augusta, Council manages a Community Wastewater Management Scheme. Other areas are serviced and charged through SA Water on a quarterly basis for sewerage systems.

In 2018/2019 financial year, the Community Wastewater Management Scheme (CMWS) service charge will be \$450

### **4.8 NATURAL RESOURCE MANAGEMENT LEVY**

Councils are required by the State Government to collect an NRM levy on all rateable properties. Collection occurs on behalf of the Northern and Yorke Natural Resource Management Board which uses the funds to manage and protect the natural resources of the region. The Minister for Environment determines the share of contributions required by Council and gazettes those contributions on an annual basis. This cost is then divided by the number of rateable assessments in Port Augusta to determine the service charge per assessment.

In 2018/2019 financial year, the levy will be \$36.30 per assessment.

### **4.9 CONCESSIONS**

#### Cost of Living Concession

The State Government replaced rate concessions with a 'cost of living concession' that is paid directly to pensioners and concession card holders. Information is available at:

<http://www.sa.gov.au/topics/care-and-support/financial-support/concessions/cost-of-living-concessions>

E-mail: [Costoflivingconcession@sa.gov.au](mailto:Costoflivingconcession@sa.gov.au)

Phone: ConcessionsSA Hotline – 1800 307 758

If you have a hearing or speech impairment – TTY 8226 6789

If you require interpreting and translating services, please call 1800 280 203



## Community Wastewater Management Scheme (Sewerage) Concessions

Community Wastewater Management Scheme concessions will also be paid directly by the South Australian Government to eligible pensioners and concessional card holders.

Further details are available at :

<http://www.sa.gov.au/topics/care-and-support/financial-support/concessions/water-and-sewerage-rate-concession>

Please contact the State Government at:

E-mail: [concession@sa.gov.au](mailto:concession@sa.gov.au)

Phone: ConcessionsSA Hotline – 1800 307 758

If you have a hearing or speech impairment – TTY 8226 6789

If you require interpreting and translating services, please call 1800 280 203

### **4.10 PAYMENT OF RATES**

Rates levied for the year may be paid in four quarterly instalments, due and payable in the months of September, December, March and June of the financial year for which they are declared.

Separate notices relating to each instalment will be issued to land owners at least 30 days prior to the due date of each instalment (unless paid in full by the due date of the first instalment).

Rate Notices are issued to the principal ratepayer either by post or by electronic communication to an electronic address nominated by the Principal Ratepayer. To register to receive rates notices electronically, ratepayers are required to log into: [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au) and click on the ezybill portal.

Rates may be paid at the Civic Centre, 4 Mackay Street Port Augusta between the hours of 9am and 5pm, Monday to Friday. EFTPOS facilities are available. Payments by post can be made to PO Box 1704 Port Augusta SA 5700.

Rates may also be paid by:-

- Internet [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)  
(Select 'Make a Payment' from the Fast Find menu, then "Online Transactions, then 'Rate Payment';
- Telephone on **1300 276 468**, enter the Biller Code **1351915**, your Customer Reference Number, amount and card details to complete the payment. At the end of the call they are provided with a unique payment receipt number.
- Australia Post (Post Billpay)  
Payment may be made in store at Australia Post or by phone on 13 18 16 quoting Billpay code 2808;
- BPay and BPay View  
Quote biller code 27961 and Customer Reference Number

- Centre Pay (if you receive a payment from Centrelink)
- Direct Debit (by providing council with an authorisation to deduct regular payments of a fixed amount from your bank account). An administrative fee of \$5 will be incurred when a payment rejection occurs.

If paying through an external agency, ratepayers need to be mindful that it can take up to 72 hours for funds to be transferred to Council. It is the ratepayer's responsibility to ensure payment is received and receipted by Council on or before the due date of each instalment.

Any ratepayer who may experience difficulty with meeting the standard payment arrangements is invited to contact the Rates Coordinator on 86419100 to discuss alternative payment arrangements. Such enquiries will be dealt with in confidence.

#### **4.11 LATE PAYMENT OF RATES & DEBT RECOVERY**

The Local Government Act provides that Councils impose a penalty of 2% on any late payment of rates. The initial fine will be applied to the outstanding balance three (3) business days after the due date. Each month thereafter interest is added to the arrears of rates balance. The interest rate is set each year according to a formula in the Local Government Act.

The purpose of this penalty is –

- to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time,
- to allow Councils to recover the administrative cost of following up unpaid rates, and,
- to cover any interest cost the Council may meet because it has not received the rates on time.

Written applications for remission of fines are to be forwarded to the Rates Coordinator. Each case will be considered on its merit based on the information provided.

When rates are in arrears Council pursues legal recovery of rates.

The Council first issues an overdue notice for payment of rates when rates are overdue i.e. unpaid by the due date. Should rates remain unpaid for more than 14 days after the issue of the overdue notice then the Council refers the debt to a debt collection agency for collection unless contact is otherwise made.

Should a ratepayer fail to either pay overdue rates on the debt collection agency demand notice, or establish a payment plan, the Council will commence legal action to recover the debt. Where legal action occurs, it is a requirement of Council that all costs associated with the debt recovery process be reimbursed by the principal ratepayer.

When the Council receives a payment in respect of rates the Council applies the money received as follows:

- a) first – to satisfy any costs associated with debt collection processes;

- b) second – to satisfy any interest costs;
- c) third – in payment of any fines imposed;
- d) fourth – in payment of rates, in chronological order (starting with the oldest account first).

#### **4.12 REMISSION AND POSTPONEMENT OF RATES**

Section 182 of the Local Government Act permits a Council, on the application of the ratepayer, to partially or wholly remit rates or to postpone rates, on the basis of hardship.

Where a ratepayer is suffering hardship in paying rates he/she is invited to contact the Rates Coordinator on 8641 9100 to discuss the matter. Although arrangements for late payment of rates are negotiable, remission of rates in whole or in part is rarely approved due to the inequitable outcome for the rest of the community.

Separate provisions in the Local Government Act pertain to the postponement of rates for Seniors.

#### **4.13 REBATE OF RATES**

Division 5 of the Local Government Act requires Councils to rebate rates payable on some land. Mandatory rebate provisions are made for land used for health services, community services including community housing, religious purposes, public cemeteries, the Royal Zoological Society and educational institutions.

Discretionary rebates may be applied by the Council under Section 166 of the Act. Council currently provides discretionary rebates to a large number of sporting bodies and community organisations.

Council will consider on merit all applications made on the relevant form for rebate received under Section 166 of the Act.

#### **Rate Capping**

For the 2018/2019 financial year, Council considered it appropriate to grant pursuant to Section 166(1)(l)(ii) of the Local Government Act a rebate of the general rate in order to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer.

Consequently, rebates will be granted (subject to conditions) to limit the increase of the 2018/2019 general rate over the amount of the general rate payable in the 2017/2018 financial year as follows:

- (a) on residential land use – increase will be limited to 6% over the general rate payable in the 2017/2018 financial year
- (b) on all other land uses – increase will be limited to 15% over the general rate payable in the 2017/2018 financial year.

The conditions referred to above are as follows:

- (i) any such increase is not due in full or in part to the use of the land being different for rating purposes on the date the Council declared its general rates for 2017/2018 financial year than on the date Council declared its general rates for the 2018/2019 financial year; or
- (ii) the ownership of the rateable land has not changed in the preceding 18 months; or
- (iii) subdivision of the land has not occurred since 1st July 2017; or
- (iv) a notional value has not been assigned to the land by the Valuer-General; or
- (v) a new valuation assessment has not been provided by the Valuer-General for the purpose of incorporating contiguous land.

#### **4.14 SALE OF LAND FOR NON-PAYMENT OF RATES**

The Local Government Act provides that a Council may sell any land where the rates have been in arrears for three years or more. The Council is required to provide the principal ratepayer and the owner (if not the same person) and any registered mortgagee with details of the outstanding amounts, and advise them of its intention to sell the land if payment of the outstanding amount is not received within a given timeframe.

#### **4.15 APPLICATION OF THE POLICY**

A copy of this Council policy is available from the Rates Coordinator, either telephone on 8641 9100, by written request to the Port Augusta City Council, PO Box 1704, Port Augusta SA 5700, or via Council's website [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au)

Where a ratepayer believes that the Council has failed to properly apply this policy it should raise the matter with the Council. In the first instance contact the Rates Coordinator on 8641 9100 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to the Chief Executive Officer, Port Augusta City Council, PO Box 1704, Port Augusta SA 5700.

A rate cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions.

#### **5.0 WORKER'S RESPONSIBILITIES**

- 5.1 Director – Corporate & Community Services
- 5.2 Rates Coordinator





## Port Augusta

CITY COUNCIL

## 2. OPERATIONAL UNITS POLICY/PROCEDURES

### 2.6 CORPORATE SERVICES - FINANCIAL

POLICY NUMBER	2.6.01	Public Document?		Council or Administration		PAGES	5
		Yes		Council			
SUBJECT							
RATE REBATES							
COUNCIL MEETING	228 OF 83/84 MICA0090 MICA0108 MICA0139	ISSUE DATE	16/7/84 17/11/97 23/11/98 24/7/00	REVIEW DATE	22/11/2004 MICA0264 - 23/4/07 MICA0306 - 6/5/10 AR11/9747 - 23/05/2011 AR15/28683 - 27/7/15 AR17/13347 - 27/03/17 AR17/26289 - 05/07/17 AR18/20102 - 28/05/18	DELETED DATE	
EXTERNAL LEGISLATION				INTERNAL REFERENCES			
Local Government Act 1999				Application Form - Mandatory Rate Rebate - <i>Attachment A</i> Application Form - Discretionary Rate Rebate - <i>Attachment B</i> Application Form - New Business Rate Rebate - <i>Attachment C</i>			
RELATED POLICIES				RESPONSIBLE OFFICER			
Rating Policy 1.1.10				Director - Corporate & Community Services			

#### SECTION A

##### 1.0 POLICY STATEMENT

- 1.1 Rate rebates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the Local Government Act 1999 and where appropriate, the requirements of this Policy.

##### 2.0 PURPOSE

- 2.1 To provide Council with a tool to assist it in its decision making functions, and to provide guidance to the community, as to the grounds upon which a person or body is, or may be entitled to a rebate of rates.

### 3.0 RESPONSIBILITY & REVIEW

- 3.1 Director - Corporate & Community Services.
- 3.2 To be reviewed within 12 months after a General Election, in line with any legislative changes or by resolution of Council.

## SECTION B

### 4.0 PROCEDURE

- 4.1 The Local Government Act 1999 sets out in Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council for granting rate rebates to persons or bodies (refer Application Form - Rate Rebate).
- 4.2 This policy further supports the provisions as outlined in the Local Government Act as stated in 1.1 above, as follows :-

#### 4.2.1 Mandatory and Discretionary Rate Rebates

- 4.2.1.1 Council should receive the rates applicable to any rateable property as determined in Section 147 of the Local Government Act 1999.
- 4.2.1.2 The matter as to who is responsible for the payment of rates on a rateable property, is a matter between the landlord and the tenant, but Council will be entitled to the receipt of rates.
- 4.2.1.3 Where an Organisation wishes to apply for a rebate of rates on a property they are renting, the owner of the property must **agree** in writing to Council, for the Organisation to be listed as the principal rate payer to enable this to occur.
- 4.2.1.4 Organisations in receipt of Council funding or external grant will not generally be eligible for the rebate of rates, but special circumstances will be considered on a case by case basis.
- 4.2.1.5 Where 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, Council will grant the rebate of its own initiative. Where Council is not so satisfied it will require the person or body to apply for the rebate in accordance with this Policy.
- 4.2.1.6 When making a determination in relation to a Rate Rebate, Council will take into account the following matters :-
  - a) The community need that is being met by activities carried out on the land for which the rebate is sought.
  - b) The extent to which activities carried out on the land for which the rebate is sought, provides assistance or relief to disadvantaged persons.
  - c) Whether there is a need for financial assistance through a rebate.
- 4.2.1.7 The Council has an absolute discretion:

To grant a rebate of rates or service charges in relation to discretionary rebate applications.

To determine the amount of any such rebate, to a maximum of 100% of the relevant rate or service charges.



**4.2.2 New Business Rate Rebate**

4.2.2.1 Any new business establishing within the area of the Port Augusta City Council, may complete an application form for a rate rebate, however application does not necessarily guarantee success. To be eligible for a rate rebate, developers must apply to Council prior to the first rating period after the commencement of the business.

4.2.2.2 New business rate rebates may apply for a period of up to three (3) years from the time of the adoption of the first assessment, and Council rates for the year after development approval has been confirmed as the case may be.

4.2.2.3 The criteria that will be used in determining whether a rate rebate will be granted is as follows:-

a) Significance of business to the local/regional economy

Capital Value	Rating
Under \$50,000	2
Under \$500,000	6
\$500,000 & above	10

b) Creation of employment opportunities

No. of FTE Jobs	Rating
Under 20	2
Under 50	6
50 & above	10

c) Extent of competition with existing businesses

Competition	Rating
Competes	2
Partially competes - targets a different market	6
Does not compete	10

4.2.2.4 Calculation procedure

The following procedure may be used in assessing applications for new business rate rebates:-

a) Assess each of the above criteria against the developers business plan and application. Each individual criteria rating is then multiplied by a weighting as set out below.

b) Weighting given based on the following:

i)	Significance of business to the Local/Regional Economy	12
ii)	Creation of Employment Opportunities	10
iii)	Competition with existing business	8

c) Multiply the rating and the weighting to achieve an overall rating with a maximum possible score of 300.

- d) The overall rating as detailed above will determine the period of the rate rebate to be granted to a new business. The period that will apply will be between 1 to 3 years depending on the overall rating and shall apply from the time of the adoption of the first assessment, and council rates for the year after development approval has been confirmed, as the case may be.

Overall Rating	Period	Percentage
0-100	1 year	Up to 100%
101-200	2 years	Up to 100% 1 <sup>st</sup> yr Up to 50% 2 <sup>nd</sup> yr
201-300	3 years	Up to 100% 1 <sup>st</sup> yr Up to 50% 2 <sup>nd</sup> yr Up to 25% 3 <sup>rd</sup> yr

- e) The information as outlined in clause 4.2.2.4 (d) above will be displayed on council rate notices which will be directed to the person paying the rates.

4.2.2.5 When making a determination in relation to a New Business Rate Rebate, Council will take into account the following matters :-

- a) Why there is a need for financial assistance through a rebate.
- b) The extent of financial assistance, if any, being provided to the applicant in respect of the land by Commonwealth or State agencies.
- c) Consideration of the full financial consequences of the rebate for the Council.

#### 4.3 Applications

4.3.1 Where possible, all persons who, or bodies that, wish to apply to the Council for a rate rebate, should do so on or before 1 April preceding the financial year for which the rebate is being requested.

4.3.2 Applications forms (outlining relevant information required by Council to make a determination) may be obtained from the Council Office located at the Civic Centre, 4 Mackay Street, Port Augusta or on Council's Website [www.portaugusta.sa.gov.au](http://www.portaugusta.sa.gov.au).

4.3.3 Council will provide written notice to the applicant of its determination on the application.

4.3.4 Successful applicants will receive a rebate only for the period for which they applied. A new application is required to be submitted for each period the rebate is sought.

4.3.5 All persons or bodies which wish to apply to the Council for a discretionary rebate of rates must do so on or before 31<sup>st</sup> August in the year of application. However, applicants which satisfy the criteria for a mandatory rebate will be granted the rebate at any time.

4.4 As per Section 159 of the Local Government Act, if a person or body has the benefit of a rate rebate 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.

4.5 Where an entitlement to a rate rebate 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.

#### 4.6 Review

- 4.6.1 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 1.1.05.

#### 5.0 WORKER'S RESPONSIBILITIES

- 5.1 The Rates Coordinator will be responsible for advising applicants of the outcome of their rebate application and processing approved rebates in Authority.
- 5.2 A list of Rate Rebates approved by Council will be made available on Council's website.

#### 6.0 AUDITS

- 6.1 The annual rating process, including Council approval of rate rebates, is audited by Councils auditor each financial year.

### SECTION C

#### 7.0 FORMS AND ATTACHMENTS

- 7.1 Application Form - Mandatory Rate Rebate - *Attachment A*
- 7.2 Application Form - Discretionary Rate Rebate - *Attachment B*
- 7.3 Application Form - New Business Rate Rebate - *Attachment C*



# MANDATORY RATE REBATE APPLICATION FORM 20\_\_ / 20\_\_

**1. Details of Applicant**

Name .....

Address .....

.....

Telephone .....

Email.....

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

.....

Telephone .....

Email.....

**2. Details of Land (refer to your Rates Notice)**

Assessment Number .....

Property Address.....

.....

Owner of Land (if not you) .....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.

3. **Categories of Rebate**

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

*Note that you can only be eligible for either a Mandatory Rate or Discretionary Rebate, not both.*

3.1 **MANDATORY REBATE**

- Health Services (100%)** – Land being predominantly used for service delivery or administration by a hospital or health centre incorporated under the South Australia Health Commission Act 1976;
- Religious Purposes (100%)** – Land containing a church or other building used for public worship (and any grounds), or land solely used for religious purposes;
- Public Cemeteries (100%)** – Land being used for the purposes of a public cemetery;
- Royal Zoological Society of SA (100%)** – 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.
- Community Services (75%)** – 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 *service delivery* 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.

**Educational Purposes (75%)**

Which of the following criteria apply, please tick one:

- 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.

Please specify why you (or your organisation) need financial assistance through a rebate:

.....

.....

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.....

.....

**4. Supporting Information Required**

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

1. evidence that the land is being used for the purpose for which the rebate is being sought;
2. a copy of the organisation's latest Annual Report and Audited Financial Statements;
3. a copy of the organisation's Certificate of Incorporation or Not-for-Profit status;
4. evidence that the organisation provides services free of charge or below cost;
5. detail what the organisation intends to do in return for the value of the remission;
6. provide a timeframe in which the organisation will advise of the outcomes of the expenditure and how that will be communicated to the Council;
7. the extent of financial assistance (if any) being provided by Commonwealth or State agencies;
8. whether you are in receipt of a community grant or other benefit from Council;
9. any other information that you believe is relevant in support of this Application.

**5. Application Forms**

Where possible, application forms and all additional information should be submitted to the Council on or before 1<sup>st</sup> April for the following financial year.

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



**6. Statement of Acknowledgement**

- 6.1 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.
- 6.2 If a person or body has the benefit of a rate rebate 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.
- 6.3 The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.
- 6.4 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 within this application form is true and correct***

DATED the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signed \_\_\_\_\_

Full Name \_\_\_\_\_

Position Held \_\_\_\_\_

**The Application form and all supporting information to be submitted:**

In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700

By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

By Email: admin@portaugusta.sa.gov.au



# DISCRETIONARY RATE REBATE APPLICATION FORM 20\_\_ / 20\_\_

1. Details of Applicant

Name .....

Address .....

.....

Telephone .....

Email.....

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

.....

Telephone .....

Email.....

2. Details of Land (refer to your Rates Notice)

Assessment Number .....

Property Address.....

.....

Owner of Land (if not you) .....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.

**3. Categories of Rebate**

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

*Note that you can only be eligible for either a Mandatory Rate or Discretionary Rebate, not both.*

**DISCRETIONARY REBATE**

The Council may, in its discretion, grant a rate rebate 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.

**4. Amount of Rebate**

Please specify the amount of rebate that 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.

.....

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.....

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.....

.....

**5. Supporting Information Required**

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

1. evidence that the land is being used for the purpose for which the rebate is being sought;
2. information as to whether, and if so to what extent, you (or your organisation) will be providing a service within the Council area;
3. the extent of financial assistance (if any) being provided by Commonwealth or State agencies;
4. whether you are in receipt of a community grant;
5. a copy of your audited financial statement of the previous years' activities;
6. whether you are the holder of a liquor licence;
7. number of active members (if a community group);
8. any other information that you believe is relevant in support of this Application.

**6. Application Forms**

Where possible, application forms and all additional information should be submitted to the Council on or before 1<sup>st</sup> April for the following financial year.

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

**7. Statement of Acknowledgement**

- 7.1 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.
- 7.2 If a person or body has the benefit of a rate rebate 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.
- 7.3 The Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.
- 7.4 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 within this application form is true and correct***

DATED the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signed \_\_\_\_\_

Full Name \_\_\_\_\_

Position Held \_\_\_\_\_

**The Application form and all supporting information to be submitted:**

In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700

By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700

By Email: [admin@portaugusta.sa.gov.au](mailto:admin@portaugusta.sa.gov.au)



**NEW BUSINESS RATE REBATE  
APPLICATION FORM  
20\_\_ / 20\_\_**

**1. Details of Applicant**

Name .....

Address .....

.....

Telephone .....

If the Applicant is a Company or Incorporated Body or other, please provide details of a contact person for the Applicant.

Name .....

Address .....

.....

Telephone .....

**2. Details of Land**

Assessment Number .....

.....

Property Address.....

.....

Owner of Land (if not you) .....

.....

If this application is for a portion of the land, you must contact the Office of the Valuer General to have the rebated area separately assessed before any rebate will be applied.

**3. Rating Criteria:**

To assist Council in determining whether a rate rebate should be granted, the following information is required.

3.1 Provide a copy of your Corporate Body or Company "Business Plan".

Business Plan is attached:      Yes          No



If no, please advise reason: .....

.....

.....

.....

.....

3.2 The significance of the new business to the Local/Regional Economy is a crucial rating aspect of any new development within the area of the Port Augusta City Council. Please indicate which option most closely identifies the capital value of your development:

Capital Value	Please Tick appropriate option.
Under \$50,000	
Under \$500,000	
\$500,000 & above	

3.3 Creation of employment opportunities is regarded as an important factor in the rating of rate rebates. Please indicate below which option best describes the number of employment opportunities your new business would create for our community:

No. of FTE Jobs Fulltime/Part-time/Casual	Please tick the appropriate option
Under 20	
Under 50	
50 & above	

Please provide a breakdown of the different types of employment opportunities e.g. number of fulltime, part-time and casual positions that will be available:

.....

.....

.....

.....

3.4 The impact a new business may have in regard to existing business is also taken into account, when determining if a rate rebate should be granted. Please indicate below which option most clearly defines the extent of competition your business will have in relation to existing businesses:

Competition	Please tick the appropriate option
Competes	
Partially competes	
Does not compete	

If partial competition applies, please advise to what extent (e.g. targets a different market etc):.....

.....

.....

.....

.....

3.5 Will your business create tourism opportunities to the City? If so, please explain:  
.....  
.....  
.....  
.....  
.....

3.6 Will you require Council assistance in setting up your business (e.g. purchase of Council Land, Infrastructure – Roads/Footpaths etc)? If so, please explain to what extent:.....  
.....  
.....  
.....  
.....

3.7 Will you be using local contractors during the construction/refurbishment phase of your business?  
Yes  No   
If yes, please explain to what extent: .....  
.....  
.....  
.....  
.....

3.8 I/We declare that the details above are true and correct and that the Port Augusta City Council has the right to preview any documentation to confirm any of the above details at their discretion.

Signature of Owner/Principle Ratepayer:..... Dated:...../...../.....

Signature of Owner/Principle Ratepayer:..... Dated:...../...../.....

**The Application form and all supporting information to be submitted:**

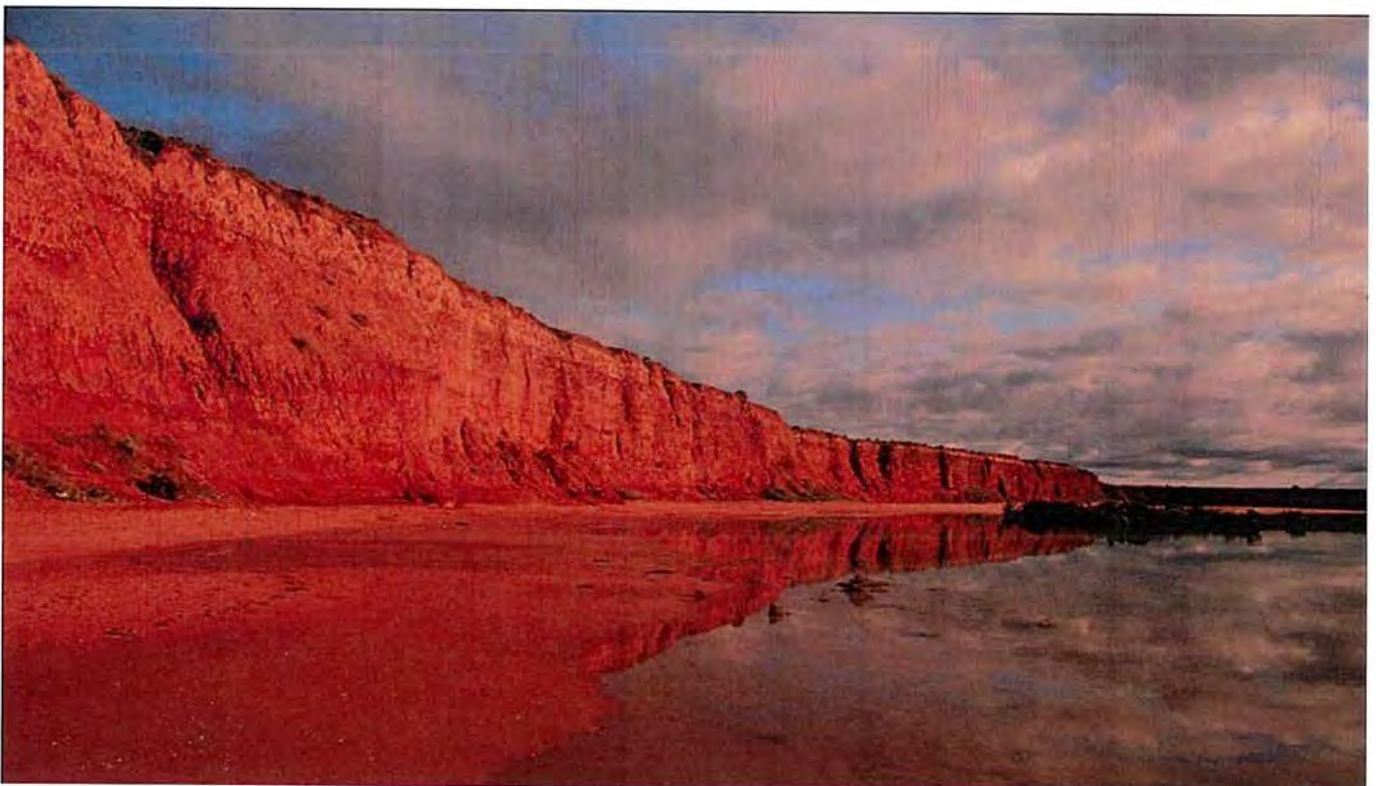
- In Person: Civic Centre, 4 Mackay Street, Port Augusta SA 5700
- By Mail: Director Corporate & Community Services  
Port Augusta City Council  
PO Box 1704  
PORT AUGUSTA SA 5700
- By Email: admin@portaugusta.sa.gov.au

**APPENDIX 18**



# ANNUAL BUSINESS PLAN & BUDGET

2018/2019



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## INTRODUCTION

The annual business plan sets out the Port Augusta City Council's proposed services, programs and projects for the 2018/2019 financial year. It aims to maintain efficient services for the community and continue progress towards the longer term objectives for the Port Augusta City Council set out in the Community Vision & Strategic Plan 2013-2017, Council's long term financial plan and asset management plan to ensure the long-term sustainability of the Council's financial performance and position.

### The Local Government Act

Section 123 of the Local Government Act 1999 requires the Council to develop an annual business plan and budget for the financial year. The annual business plan and budget must deal with each principal activity of the council on a separate basis and be adopted before 31 August.

The Annual Business Plan and Budget is developed in the context of Council's strategic planning framework and with particular regard to its Strategic Plan 2013-2017.

The Budget for 2018/2019 must include:

- A forecast balance sheet, income and cash flow statement, prepared in accordance with Australian Accounting Standards.
- Capital projects and operating projects to be undertaken.
- Other financial information which Council requires in order to make an informed decision about the adoption of the budget.
- Information required to comply with the Local Government Financial Management Regulations.
- Financial Performance Indicators.

The Council must ensure that copies of its annual business plan and budget are available for inspection by the public.

### Strategic Management Plans

Section 122 of the Local Government Act outlines the requirement for Council to develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the strategic management plans.

Council's Community Vision and Strategic Plan 2013-2017 was reviewed in late 2015. Community consultation was undertaken on the revised plan in early 2016 and the revised plan was adopted in March 2016.



This plan identifies objectives over the four year period of Council under six headings:

- Objective 1 - We Thrive
- Objective 2 - We Create
- Objective 3 - We Connect
- Objective 4 - We Care
- Objective 5 - We Celebrate
- Objective 6 - We Achieve.

From this plan, Elected Members have identified 5 key areas of focus:

1. Resolution of Aged Care
2. Financial Sustainability
3. Infrastructure & Asset Renewal
4. Shared Services
5. City Image

The first of the key areas has been resolved with settlement in relation to the sale of Council's residential aged care facilities, Nerrilda Nursing Home and AM Ramsay Village occurring on 3<sup>rd</sup> November 2017.

Council will undertake a comprehensive review of its Community Vision & Strategic Plan in 2018 following Local Government elections.

Council must, in conjunction with the plans required under Section 122, subsection (1), develop and adopt—

- (a) a long-term financial plan for a period of at least 10 years; and
- (b) an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the council for a period of at least 10 years.

### **Long Term Financial Plan**

A Long Term Financial Plan (LTFP) for the period 2018-2028 has been developed incorporating information from Council's Infrastructure Asset Management Plan. The purpose of a long-term financial plan is to guide the future direction of the Port Augusta City Council in a sustainable manner. The LTFP is to be linked with Council's objectives, goals and desired outcomes in financial terms derived from the Strategic Plan and Asset Management Plan. It is a high level plan and is not intended to provide low level detail of expenditures in specific programs and operational areas. It is a guideline for future action and encourages Council to think about the impact of decisions made today and its effect on Council's long-term sustainability.

A major driver for long term financial planning is financial sustainability; both in terms of service delivery and attention to the Council's asset base. Council provides a wide and diverse range of services, many of which are not normally provided by local government. This range of services is currently being reviewed by Council in an attempt to reduce the current operating deficit. Based on an average CPI of 1.9% and general rate increase of CPI plus 1% it is suggested that Council needs to reduce operating expenditure by an average of \$158,000 per annum over the next 10 years to achieve a break even position. This needs to occur through a strategic approach.

Council's Long Term Financial Plan will be updated following adoption of the 2018/2019 Annual Business Plan & Budget.

### **Asset Management Plan**

Council has developed Infrastructure and Buildings Asset Management Plans. Council is using the information contained within these plans to inform the work required in the 2018/2019 financial year. This is also considered against the actual condition of the assets as well as potential economies of scale from conducting related work within a scheduled timeframe.

### **Level of Service**

Port Augusta City Council provides an extensive and diverse range of services, equal to any local government entity in South Australia. Council is committed to continuing the service level and range review process which commenced in 2016/2017. This is in line with Council's strategic objective 6.5.3 'Review future management of Council owned and operated facilities to optimize outcomes financial sustainability and efficiency across all Council programs'.

Potential introduction of State Government legislation to cap the level of rate increases to the Local Government Price Index will see this process continue as a necessity to meet financial sustainability objectives.

During the 2018/2019 year Council will continue to review services at varying levels of depth. Council's Audit Committee will assist in this process.

## Significant Influences and Priorities

In preparing the 2018/2019 budget, Council has given consideration to:

- Its current Strategic Plan, Long Term Financial Plan and Asset Management Plans
- The current economic influences including:
  - The Local Government Price Index of 3.2% as at March 2018 quarter;
  - Adelaide All Groups CPI of 2.3% as at March 2018 quarter;
  - Enterprise Bargaining Agreement wage outcomes of no more than 2%
- Known decreases or minimal increases in revenue sources from Federal & State Governments;
- Levies imposed by other tiers of government including NRM levy and EPA Waste Levy;
- Risk management framework and work health safety;
- Strategies to manage Council's outstanding debt in the medium to long term
- A focus on asset renewal and financial sustainability
- The desire to reduce the operating deficit.
- Potential introduction of rate capping legislation by the State Government.

## Key Decisions

In response to these factors, the annual business plan has been prepared within the following guidelines:

- an increase in general rate revenue of 3.2%;
- consideration of movement in site values from the previous year;
- amendments to rate capping policy;
- service level and range review;
- removal of the discount of 1.5% for payment of rates in full by first instalment;
- continued commitments to community events;

## Capital Works Program

In the 2017/2018 budget, Council received Federal Government Funding to support capital infrastructure through the Black Spot Road Program as well as the Roads to Recovery program. In 2018/2019 no funds will be received from these funding programs, therefore Council's focus will be on capital renewal as per the Asset Management Plan.

Construction of the toilet block on the TAFE side of Central Oval will be completed in 2018/2019. This will negate the use of temporary fencing to protect the slab and plumbing which has been present since the opening of the complex in 2015.



<b>CAPITAL PROJECTS 2018/2019</b>	
<b>ROAD &amp; FOOTPATH INFRASTRUCTURE</b>	<b>\$</b>
Shack Road	\$150,000
Other road works as per Asset Management Plan	\$700,000
Footpath Construction	\$500,000
<b>OTHER INFRASTRUCTURE</b>	
Levee Banks Construction	\$61,000
<b>BUILDINGS &amp; LAND ASSETS</b>	
ETSA Oval Toilet Block	\$20,000
Keith Jones Park Toilet Block	\$30,000
Keith Jones Park Shade Structure	\$15,000
Airport	\$40,600
Central Oval Complex	\$8,000
Ryan Mitchell Swim Centre	\$10,000
Institute Theatre	\$30,000
Records Shed	\$10,000
Skate Park	\$9,000
Cultural Centre	\$80,000
Central Oval Toilet Block (TAFE side)	\$175,000
Building Asset Management Plan	\$66,400
<b>PLANT &amp; MACHINERY</b>	
Plant/Vehicle Fleet	\$598,000
Small Plant	\$16,000
<b>TOTAL</b>	<b>\$2,519,000</b>

Council will use the percentage of asset management plan work completed as the measure to assess the performance of the Council against its objectives for the financial year.

### **Operating Expenditure**

The cost of IT salaries, hardware and software is allocated across each program based on the number and type of devices within that program. With the sale of the aged care facilities, these costs have been re-allocated across a reduced number of programs and devices, resulting in higher costs for remaining programs.

With the impending Local Government Elections in November 2018, Council has included a number of required items within the 2018/2019 Annual Business Plan and Budget, including:

- Local Government Election costs including Electoral Commission expenses,
- Training for new Elected Members including finance, meeting procedures, record management etc
- Commencement of development of a new Strategic Plan,
- Review of Council By-laws

Council has allocated funds towards obtaining detailed assessments of a number of ageing Council assets including the Wharf and Westside Jetty to ensure that Council can make an informed decision regarding future asset management. Demolition of the East Side Mill Jetty for safety reasons is also included in the 2018/2019 financial year.

Funding for a detailed building assessment of Hancock Stadium has also been included to inform future decisions of Council in relation to this facility.

Development of a design concept for the public toilets in the Civic Centre building is also included to re-design the existing non-compliant disabled toilets into modern facilities that meet current building codes.

Council is considering undertaking a major upgrade of the playing surface of Central Oval. Funding has been allocated for scoping of this work including preparation of a detailed specification to enable a tender process to be commenced. This scoping will also include a public consultation component.

Progress towards 2018/2019 objectives will be included in Director's quarterly reports to Council for each directorate.

Council has maintained its commitment to economic development and support for its strategic partners. Council has also included funding for grants and consultancies as outlined below:

<b>BUDGET ITEM</b>	<b>\$</b>
Spencer Gulf Cities	\$ 30,000
Contributions to RDA Far North	\$ 56,100
Media and Communications	\$ 30,000
Economic Development Consultancy	\$ 17,500
Grants & External Funding Research	\$ 20,000
City Safe Patrol Review	\$ 30,000
Scoping of Central Oval Turf Upgrade	\$ 30,000
Cinema Augusta	\$ 25,000
TOTAL	\$238,600

Council has continued its support to the Arts through operation of the Lea Theatre, Barracks, Institute Theatre and Yarta Purtli Galleries. Support is also provided for specific arts events including Desert Fringe, Malka Art Prize and Arid Sculptural Event as well as minor workshops throughout the year.



Council has maintained a commitment to community events;

<b>BUDGET ITEM</b>	<b>\$</b>
Port Augusta Country Music Club	\$ 1,500
Port Augusta Racing Club	\$ 15,000
Christmas Lighting	\$2,000
Community Christmas Party	\$20,000
Magic Cave	\$1,000
Christmas Street Decorations	\$2,500
Christmas Tree Festival	\$1,000
Christmas Pageant	\$5,500
Carols in the Park	\$3,000
Port Augusta Golf Classic	\$5,000
Calendar of Events	\$15,340
Australia Day Celebrations	\$5,000
Wharfest	\$4,000
Port Augusta Calisthenics Club	\$1,200
Anderson Dancers Pantomime	\$1,000
Ignite Cheer	\$1,000
Dance Explosions	\$700
Up in the Eyre Swimming Carnival	\$1,800
Crossroads Music Festival	\$1,400
Port Augusta Greyhound Club	\$1,000
Various small events	\$800
Pichi Richi Marathon	\$3,000
Sci World	\$5,000
Port Augusta Markets	\$1,500
NDMA Motor Show	\$1,000
Clean Up Australia Day	\$5,000
Relay for Life	\$2,000
Lions International District Convention	\$3,760
<b>TOTAL</b>	<b>\$111,000</b>

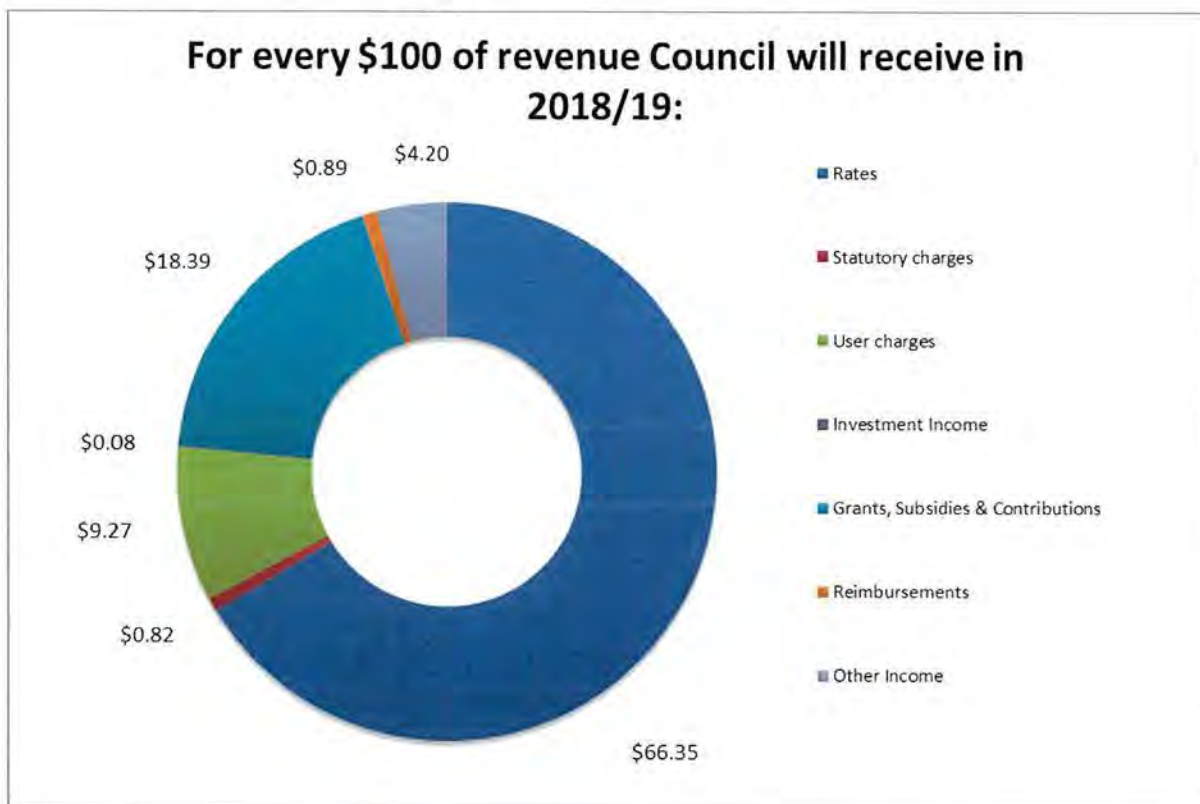


## Revenue Sources

Port Augusta City Council receives revenue from a number of sources including:

- External funding agreements with Federal and State Government Departments for various programs including Financial Assistance Grants,
- User fees for services/program including Childcare, Miriam High Special Needs Centre, Health Focus and Men’s Shed program, Ryan Mitchell Swim Centre, Central Oval entrance fees etc.
- Statutory Charges such as planning & building fees,
- General Rates and Service Charges

**In 2018/2019, Council has budgeted for 66.35% of Council’s revenue to come from general rates.**



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## Loans & Borrowing

The use of loan funds has underpinned the majority of capital works projects undertaken by Council over the last 30 years.

Council's Treasury Management Policy 2.6.11 provides clear direction to management, workers and Council in relation to the treasury function. It underpins Council's decision-making regarding the financing of its operations as documented in its annual budget and long-term financial plan and associated projected and actual cash flow receipts and outlays.

The Treasury Management Policy establishes a decision framework to ensure that:

- a) funds are available as required to support approved outlays
- b) interest rate and other risks (e.g. liquidity and investment credit risks) are acknowledged and responsibly managed
- c) the net interest costs associated with borrowing and investing are minimised on average over the longer term.

The Council's Treasury Management Strategy is to restructure its portfolio of borrowings, as old borrowings mature and new ones are raised, to progressively achieve, and then maintain, not less than 30% of its gross debt on average in any year in the form of variable interest rate borrowings.

Longer term borrowing (15 years and greater) has been historically used for larger capital projects. More recently, Council has taken a \$6m loan over 25 years to fund Council's contribution towards the Central Oval Re-development.

The use of loan funding for capital works has been set out in the Long Term Financial Plan (LTFP). A revised Long Term Financial Plan for the period 2018-2028 has been prepared based on Council's Infrastructure Asset Management Plan.

Following the sale of Council's aged care facilities in November 2017, sale proceeds were used to reduce Council's debt through the repayment of Cash Advance Debentures.

The Cash Advance Debentures 223 and 226 were taken out in 2008 and 2010 to fund large capital projects for those two financial years. The strategy that was put into place was based on making interest only repayments from these loans in a period of very low interest rates, with a view to making payment of the principal in full from the proceeds of the sale of the airport land.

Debentures 217 and 232 will be repaid during the 2018/2019 financial year.

Whilst the 2017/2018 budget provided for a Cash Advance Debenture of \$3.0M to be drawn in January 2018 to support cash requirements, this was not required due to the sale of the aged care facilities.

	AUTH	TAKEN	%	YEARS	AMOUNT	Bal 30.6.2018	Received	Interest	Principal	Bal 30.6.2019
Debenture 217	LGFA	15-Jan-04	6.65%	15	600,000	60,775		3,048	60,775	0
Debenture 220	LGFA	15-Jun-06	6.70%	15	1,350,000	385,705		23,862	120,195	265,510
Debenture 229	LGFA	15-Jan-12	5.05%	10	1,424,000	655,809		31,225	151,898	503,911
Debenture 232	LGFA	15-Jan-14	4.90%	5	2,700,000	593,505		21,899	593,505	0
Debenture 233	LGFA	15-Jan-14	5.30%	25	6,000,000	5,608,245		295,343	144,855	5,463,390
Debenture 234	LGFA	15-Jan-15	4.60%	5	3,000,000	1,068,941		41,162	704,495	364,446
Debenture 237	LGFA	15-Jul-15	4.25%	5	3,800,000	2,742,660		108,753	742,872	1,999,788
						<b>11,115,640</b>	<b>0</b>	<b>525,292</b>	<b>2,518,595</b>	<b>8,597,045</b>
Cash Advance 223	LGFA		4.00%		3,500,000	489,700		20,000	50,000	439,700
Cash Advance 230	LGFA		4.00%		5,000,000	577,471		23,000	60,000	517,471
Cash Advance 235	LGFA		4.00%		850,000	801,197		32,000	80,000	721,197
Cash Advance 236	LGFA		4.00%		4,000,000	3,566,876		344,000	150,000	3,416,876
Cash Advance 226	LGFA		4.00%		3,850,000	3,850,000		154,000	150,000	3,700,000
						<b>9,285,244</b>	<b>0</b>	<b>573,000</b>	<b>490,000</b>	<b>8,795,244</b>



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## Financial Performance Indicators

As part of the Local Government Association Financial Sustainability Program, a number of Key Performance Indicators (KPI'S) have been developed for application across local government. The purpose of these KPI's is to provide consistency for the purposes of financial reporting and to provide the Council with a view of where it is currently placed in terms of financial sustainability.

The three major KPI's are:-

**Adjusted Operating Surplus Ratio**

**Net Financial Liabilities ratio**

**Asset Renewal Funding Ratio**

### Adjusted Operating Surplus ratio

The Adjusted Operating Surplus ratio is calculated as the percentage by which the annual operating surplus or deficit varies from total operating income.

The ratio is adjusted to take into account the Commonwealth Government advance payments of the Financial Assistance Grants when required to prevent distortion of figures. The 2018/2019 budget assumes the total amount of Financial Assistance Grants will be received.

Guidance material provided to Councils under the LGA's Financial Sustainability Program suggest that councils generally should seek to achieve, on average over time, a target range for an operating surplus ratio of between 0 per cent and 10 percent.

Where a council is not achieving an underlying operating surplus or trending towards doing so in the medium term, then generally any capital expenditure on upgrading or expanding infrastructure needs to be modest and targeted, because it normally will lead to additional maintenance and depreciation costs.

### Net Financial Liabilities Ratio

Net financial liabilities ratio represents the amount of money owed by Councils to others less money held, invested or owed to councils.

It is the most comprehensive measure of the indebtedness of a council as it includes items such as employee long service leave entitlements and other amounts payable as well as taking account of the level of a council's cash and investments.

The net financial liabilities ratio is calculated by expressing net financial liabilities at the end of a financial year as a percentage of operating income for the year. If the ratio falls, over time, this indicates that the Council's capacity to meet its financial obligations from operating income is strengthening.

### Asset Renewal Funding Ratio

The asset renewal funding ratio represents the level of capital expenditure on renewal and replacements of assets relative to the level of such expenditure identified in a council's asset management plans.

This indicator is a measure of whether a council is accommodating asset renewal and replacement in an optimal and cost effective way from a timing perspective relative to the risk it is prepared to accept and the service levels it wishes to maintain.

A suggested target for this indicator is greater than 90% but less than 110% of the level proposed in the Asset Management Plan.

There are operational and other reasons why the asset renewal funding ratio result may vary between years. This may not necessarily detract from asset management performance if a council's target is achieved over the medium term.

The draft Building and Land Asset Management Plan expenditure has been included in this Ratio for 2018/2019 (previously depreciation had been used). The draft is yet to be reviewed and adopted by Council.

The Asset Management Plan for Bridge and Marine Structures indicates capital expenditure of \$11.58m which has not been included in this Ratio as Council is yet to make a formal resolution on these assets.

Contents, Plant and Vehicles asset class has now been excluded from this ratio as there is no asset management plan for this class of assets.

<b>RATIO</b>	<b>2018/2019 (Budgeted)</b>	<b>2017/2018 (Budgeted)</b>
Adjusted Operating Surplus/(Deficit)	(12.9%)	(24.6%)
Net Financial Liabilities	78.0%	86.3%
Asset Renewal Funding	78.3%	42.0%



## Operating Deficit

Council has historically struggled to achieve significant reductions in its operating deficit. This is in the main, due to the amount of programs and services that it provides to the community within a relatively low revenue and rates base.

Council is committed to a service level and range review to reduce operating expenditure. Certainly, an improvement in this ratio through implementation of Council's Long Term Financial Plan and by committing to reducing the budget deficit will provide Council with the opportunity to provide additional commitments to asset renewal without relying on borrowing funds. To achieve this, planned and methodical reduction in operating expenditure is required, whilst taking advantage of every possibility to increase operating revenues without materially increasing rates.

Council's Long Term Financial Plan indicates a deficit of \$3,813,000 for 2018/2019 financial year (down from \$4,541,900 in 2017/2018 financial year). However, to break even at year 10 of the Long Term Financial Plan the deficit needs to be reduced on average by \$158,000 per annum for the life of the plan. This would suggest a deficit of \$3,655,000 for the 2018/2019 financial year to meet this target.

*The 2018/2019 budgeted operating deficit is \$3,788,200.*

## Rating

Chapter 10 of the Local Government Act 1999 sets out the legislative requirements for the setting of rates on land.

Rate income is generated by the broad application of fundamental principles of taxation (fairness and equity, simplicity, ability to pay and efficiency) with a view to achieving an equitable distribution of the rates burden amongst ratepayers.

### Basis of Rating

The Local Government Act provides for three property valuation options for the purpose of setting rates;

- Capital Value – the value of the land and all of the improvements on the land.
- Site Value – the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements.
- Annual Value – a valuation of the rental potential of the property.

Council has decided to continue with the use of Site Value as the basis of rating for the 2018/2019 financial year.



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The Local Government Act also provides for differential rating by location and land use. For the purposes of land use, Council has adopted the Local Government Land Use Codes;

- Residential
- Commercial - Shop
- Commercial - Office
- Commercial - Other
- Industry - Light
- Industry – Other
- Primary Production
- Vacant Land
- Other

Council has also adopted its Development Plan as the basis for differential rating by location.

### **Rating Policy**

As part of developing its Annual Business Plan and Budget, Council reviews its policy for the setting of property rates. Council has reviewed a number of aspects of the current rates policy, particularly policy in respect of discretionary rebates and discounts.

Council has resolved to discontinue the 1.5% discount incentive to make full payment of rates at the date of the first installment for 2018/2019.

Council has also reviewed the rate capping rebate that it introduced in 2009. This policy was put in place to provide a discretionary rebate for properties that were materially affected by large increases in property valuation. The policy has limited rate increases to a level determined by Council over the past 9 years.

The capping % has typically been between the range of 10% and 15% for residences and 10% and 20% for businesses. In 2015/2016 Council resolved to phase this policy out over the next four budget periods. However, significant variances in site values in 2016/2017 resulted in large variances in general rates for ratepayers and additional discretionary rebates were applied. For 2018/2019, the rate cap will be set at 6% for urban and non-urban residential assessments and 15% for all other assessments. Some exclusions apply to the application of the capping rebate. These exclusions are outlined in the rating policy.

All State Government concessions ('Cost of Living Concession' as well as the 'Community Wastewater Management Scheme' concessions) will be paid directly to ratepayers' bank accounts by the State Government.

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## **Minimum Rate**

Council considers it appropriate that ratepayers in respect of all rateable land make a contribution to the cost of administering Council's activities and make a contribution to the cost of creating and maintaining the physical infrastructure that supports that land and the basic services provided to all ratepayers.

The minimum rate in 2018/2019 is proposed to be \$1,305 (\$1,285 in 2017/2018). This represents an increase of \$20 (1.6%) on the minimum rate applied in 2017/2018.

Overall, the minimum rate will be applied to approximately 33% of all rateable properties, within the maximum of 35% allowed for in the Local Government Act 1999.

## **Service Charges**

Council provides specific services for the benefit of specific properties for which service charges are applied. Services charges may be raised to cover the cost of establishing, operating, maintaining, improving and replacing such services. Funds raised may not be immediately required until future capital expenditure is necessary for renewing or replacing assets used in the provision of the service.

Council plans to impose the following service charges for the 2018/2019 financial year:

### **Kerbside Waste Collection & Recycling Charge**

In order to recover the cost to Council of establishing, operating and maintaining a kerbside waste collection/recycling service in its area, a service charge will apply to all households, businesses and occupancies that receive or are capable of receiving a service.

In 2018/2019 financial year the service charge will be \$224 (\$220 in 2017/2018).

In areas where the kerbside waste collection is only available on a fortnightly basis such as Blanche Harbour and Miranda, properties will be charged \$112 (\$110 in 2017/2018).

### **Community Wastewater Management Scheme (Effluent Drainage Scheme)**

In some areas in the City of Port Augusta, Council manages a Community Wastewater Management Scheme. Other areas are serviced and charged through SA Water on a quarterly basis for sewerage systems.



In 2018/2019 financial year, the Community Wastewater Management Scheme (CMWS) service charge will be \$450 (\$497 in 2017/2018).

### Natural Resource Management (NRM) levy

Councils are required by the State Government to collect an NRM levy on all rateable properties. Collection occurs on behalf of the Northern and Yorke Natural Resource Management Board which uses the funds to manage and protect the natural resources of the region. The Minister for Environment determines the share of contributions required by Council and gazettes those shares on an annual basis. This cost is then divided by the number of rateable assessments in Port Augusta to determine the service charge per assessment.

In 2018/2019 financial year, the levy will be \$36.30 per assessment (\$39.60 in 2017/2018).

### Valuation Movement

Valuations have remained relatively stable between 2017/2018 and 2018/2019 rating years. Approximately 0.8% of assessments experienced an increase in site value and 2.6% of assessments had a decrease in site value. 96.6% remained static.

Local Government Land Use Codes	Site Value 2018/2019
Residential	\$ 402,342,000
Commercial - Shop	\$ 23,190,500
Commercial - Office	\$ 9,885,500
Commercial - Other	\$ 47,036,500
Industry - Light	\$ 9,229,500
Industry - Other	\$ 7,195,500
Primary Production	\$ 16,014,500
Vacant Land	\$ 59,969,400
Other	\$ 34,584,600
<b>Total</b>	<b>\$ 609,448,000</b>

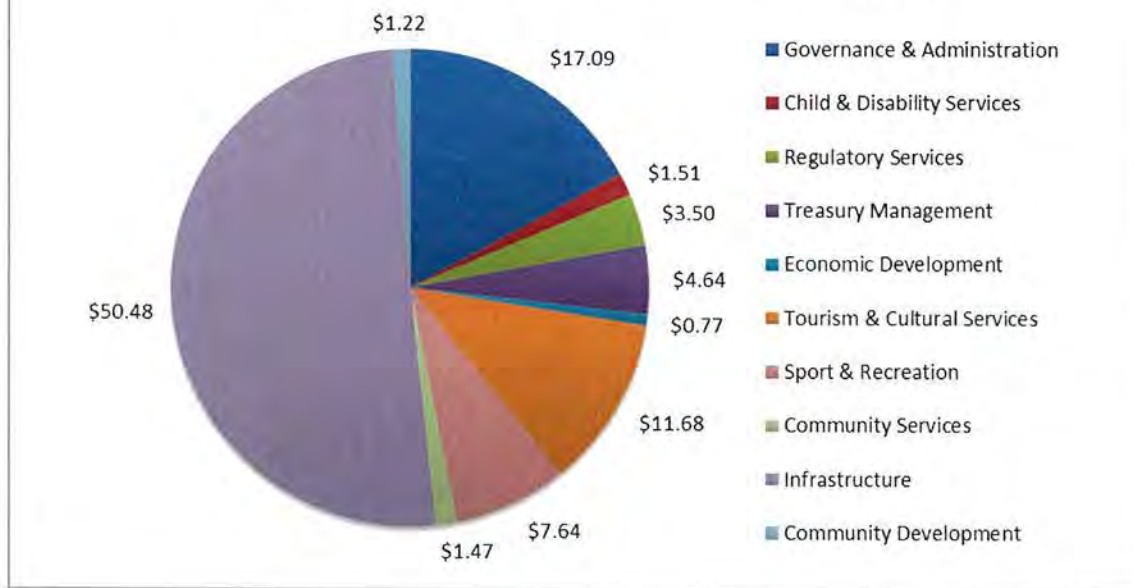
For the 2018/2019 financial year, Council must adopt, pursuant to Section 167(2) (b) of the Local Government Act 1999, the valuations of the Valuer-General of site values for all rateable property in the area of the Council, which amounts in total to an estimated value of \$609,448,000 for the area.

Council must specify a date upon which the adoption of such valuations of the Valuer-General shall become the valuations of the Council. This date is 5th July 2018.

The following rate categories and rate in \$ (cents) apply for 2018/2019:

	<b>Assessments #</b>	<b>Rate in \$ (cents)</b>	<b>% Relativity</b>
<b>1 Urban Residence</b>	5986	0.029959	100%
<b>2 Non-Urban Residence</b>	223	0.020672	69%
<b>3 Shack Site - Blanche Harbour</b>	282	0.009587	32%
<b>4 Shack Site - Miranda</b>	61	0.009587	32%
<b>6 Shack Site - Chinamens</b>	3	0.009587	32%
<b>8 Vacant Land</b>	301	0.029959	100%
<b>9 Other Use</b>	66	0.029959	100%
<b>10 Commercial/Industrial</b>	502	0.047934	160%
<b>11 Commercial/Industrial Non-Urban</b>	16	0.047934	160%
<b>20 Non-Urban Vacant Land</b>	117	0.010785	36%
<b>21 Non-Urban Other Use</b>	7	0.020672	69%
<b>30 Farmland</b>	38	0.007789	26%
<b>50 Non-Urban Vacant - Contiguous Land</b>	8	0.010785	36%
<b>51 Farmland - Contiguous Land</b>	8	0.007789	26%
<b>52 Vacant Land Urban - Contiguous Land</b>	66	0.029959	100%
<b>53 Urban Residence - Contiguous Land</b>	1	0.029959	100%
<b>55 Commercial/Industrial - Contiguous Land</b>	3	0.047934	160%
<b>56 Urban Residence - Contiguous Land</b>	21	0.029959	100%
<b>60 Urban Residence - Notional Value</b>	16	0.029959	100%
<b>99 Non Rateable</b>	524		
	<b>8249</b>		

### How \$100 of your rates is put to use in 2018/19:



*Based on Council Operating Expenditure*



SUMMARY OF PROGRAMS AND SERVICES PROGRAM/ACTIVITY	OPERATING		CAPITAL		18/19 NET
	18/19 BUDGET EXPENDITURE	18/19 BUDGET REVENUE	18/19 BUDGET OUTLAYS	18/19 BUDGET RECEIPTS	
<b>CITY MANAGEMENT</b>					
CEO & Elected Members	1,600,200	2,900,000			1,299,800
Human Resources	353,000	22,800			-330,200
City Planning	255,400	70,400			-185,000
Building Inspection	375,900	36,400			-339,500
Environmental Health	144,600	27,000			-117,600
<b>CITY &amp; CULTURAL SERVICES</b>					
General Inspection	336,200	163,600			-172,600
Economic Development	187,400	8,800			-178,600
WHS & Risk Management	208,000	52,200			-155,800
Contracts & Events	212,700				-212,700
Community Harmony	1,472,500	1,352,300			-120,200
Library & Information Service	663,400	60,800			-602,600
Yarta Purtli, Fountain Gallery & Lea Theare	805,900	98,400	110,000		-817,500
Records Management	268,400				-268,400
<b>CORPORATE SERVICES</b>					
Financial & Customer Services	1,826,800	17,102,700			15,275,900
Information Communications Technology	341,800				-341,800
Treasury Management	1,103,300	22,000	3,008,600	19,700	-4,070,200
Australian Arid Lands Botanic Garden	1,581,500	773,600			-807,900
Wadlata Tourist Centre	1,226,300	623,900			-602,400
Central Oval Community Hub	1,865,000	517,500	183,000		-1,530,500
Sport & Recreation	627,600	195,000	10,000		-442,600
Community Development Programs	305,400	23,300			-282,100
<b>COMMUNITY SERVICES</b>					
Nerrilda Nursing Home					
Health Focus Program	270,700	270,700			
HACC Collaborative Project	71,000	71,000			
A.M. Ramsay Village					
Childcare Services	1,104,200	916,000			-188,200
Miriam High Special Needs Centre	334,700	216,500			-118,200
Men's Shed Program	63,800	54,700			-9,100
Youth Activity Service	5,500	3,000			-2,500
<b>INFRASTRUCTURE &amp; ENVIRONMENT</b>					
Buildings	555,700	51,000	126,400		-631,100
Other Property	1,631,200	130,700	70,000		-1,570,500
Cemeteries	207,000	150,000			-57,000
Waste Management	1,708,000	1,592,500			-115,500
Infrastructure	6,441,800	934,300	1,390,600		-6,898,100
Parks Gardens Reserves Ovals	1,596,900		15,000		-1,611,900
Engineering Services & Depots	3,301,500	824,000	614,000		-3,091,500
	<b>33,053,300</b>	<b>29,265,100</b>	<b>5,527,600</b>	<b>19,700</b>	<b>-9,296,100</b>



## PORT AUGUSTA CITY COUNCIL

### BUDGETED STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2019

	2019	2018
	\$	\$
<b>INCOME</b>		
Rates	19,416,500	18,737,200
Statutory charges	240,600	245,000
User charges	2,714,100	5,025,900
Grants, Subsidies & Contributions	5,381,800	12,676,600
Investment Income	22,000	87,600
Reimbursements	261,700	399,300
Other Income	1,228,400	1,301,300
<b>TOTAL INCOME</b>	<u>29,265,100</u>	<u>38,472,900</u>
<b>EXPENSES</b>		
Employee Costs	12,152,350	18,731,700
Materials, Contracts & Other Expenses	12,697,150	14,771,900
Finance Costs	1,103,300	1,541,600
Depreciation, Amortisation & Impairment	7,100,500	7,969,600
<b>TOTAL EXPENSES</b>	<u>33,053,300</u>	<u>43,014,800</u>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<u>(3,788,200)</u>	<u>(4,541,900)</u>
Asset disposal and fair value adjustments	-	100,000
Amounts received specifically for new or upgraded assets	-	-
Physical resources received free of charge	-	-
<b>NET SURPLUS/(DEFICIT) transferred to Equity Statement</b>	<u>(3,788,200)</u>	<u>(4,441,900)</u>
<b>Other Comprehensive Income</b>		
Changes in revaluation surplus - infrastructure,	-	-
<b>TOTAL OTHER COMPREHENSIVE INCOME</b>	<u>-</u>	<u>-</u>
<b>TOTAL COMPREHENSIVE INCOME</b>	<u>(3,788,200)</u>	<u>(4,441,900)</u>

**NOTE:** reductions in some Income and Expense items in 2019 (eg Grants, Subsidies & Contributions) relate to the sale of Nerrilda Nursing Home and AM Ramsay Village.

## PORT AUGUSTA CITY COUNCIL

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### BUDGETED STATEMENT OF FINANCIAL POSITION FOR YEAR ENDED 30 JUNE 2019

	2019	2018
	\$	\$
<b>ASSETS</b>		
<b>Current Assets</b>		
Cash and cash equivalents	1,373,100	3,568,700
Trade & other receivables	1,139,000	2,100,000
Inventories	230,000	255,000
<b>Total Current Assets</b>	<u>2,742,100</u>	<u>5,923,700</u>
<b>Non-current Assets</b>		
Financial Assets	24,000	42,800
Infrastructure, Property, Plant & Equipment	193,205,200	211,060,200
Other Non-current Assets		2,100,000
<b>Total Non-current Assets</b>	<u>193,229,200</u>	<u>213,203,000</u>
<b>TOTAL ASSETS</b>	<u>195,971,300</u>	<u>219,126,700</u>
<b>LIABILITIES</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	5,500,000	5,700,000
Borrowings	1,503,000	2,519,000
Provisions	2,300,000	2,000,000
<b>Total Current Liabilities</b>	<u>9,303,000</u>	<u>10,219,000</u>
<b>Non-current Liabilities</b>		
Borrowings	15,890,000	28,318,000
Provisions	165,000	100,000
<b>Total Non-current Liabilities</b>	<u>16,055,000</u>	<u>28,418,000</u>
<b>TOTAL LIABILITIES</b>	<u>25,358,000</u>	<u>38,637,000</u>
<b>NET ASSETS</b>	<u>170,613,300</u>	<u>180,489,700</u>
<b>EQUITY</b>		
Accumulated Surplus(Deficit)	(16,468,700)	(14,769,300)
Asset Revaluation Reserve	187,082,000	195,259,000
<b>TOTAL EQUITY</b>	<u>170,613,300</u>	<u>180,489,700</u>

**NOTE:** reductions in some Balance Sheet items in 2019 (eg Infrastructure, Property, Plant & Equipment) relate to the sale of Nerrilda Nursing Home and AM Ramsay Village.

## PORT AUGUSTA CITY COUNCIL

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### BUDGETED CASH FLOW STATEMENT FOR THE YEAR ENDED 30 JUNE 2019

	2019 \$	2018 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<u>Receipts</u>		
Operating Receipts	29,143,100	38,385,300
Investment Receipts	22,000	87,600
<u>Payments</u>		
Operating Payments to suppliers & employees	(24,849,500)	(33,503,600)
Finance Payments	(1,103,300)	(1,541,600)
<b>Net Cash provided by (or used in) Operating Activities</b>	<u>3,212,300</u>	<u>3,427,700</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
<u>Receipts</u>		
Sale of replaced assets	100,000	100,000
Repayments of loans by community groups	19,700	19,600
<u>Payments</u>		
Expenditure on renewal/replacement of assets	(1,817,000)	(2,836,100)
Expenditure on new/upgraded assets	(702,000)	(642,300)
<b>Net Cash provided by (or used in) Investing Activities</b>	<u>(2,399,300)</u>	<u>(3,358,800)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
<u>Receipts</u>		
Proceeds from Borrowings	-	3,000,000
Proceeds from Aged Care Facility deposits	-	500,000
<u>Payments</u>		
Repayments of Borrowings	(3,008,600)	(3,108,100)
Repayment of Aged Care Facility deposits	-	(500,000)
<b>Net Cash provided by (or used in) Financing Activities</b>	<u>(3,008,600)</u>	<u>(108,100)</u>
<b>Net Increase (Decrease) in cash held</b>	<u>(2,195,600)</u>	<u>(39,200)</u>
Cash & cash equivalents at beginning of period	<u>3,568,700</u>	<u>3,607,900</u>
<b>CASH &amp; CASH EQUIVALENTS AT END OF PERIOD</b>	<u>1,373,100</u>	<u>3,568,700</u>



## PORT AUGUSTA CITY COUNCIL

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### BUDGETED UNIFORM PRESENTATION OF FINANCES FOR THE YEAR ENDED 30 JUNE 2019

The following is a high level summary of both operating and capital investment activities of the Council prepared on a uniform and consistent basis. All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis. The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances.

	2019 \$	2018 \$
Income	29,265,100	38,472,900
less Expenses	<u>33,053,300</u>	<u>43,014,800</u>
	<u>(3,788,200)</u>	<u>(4,541,900)</u>
<b>less Net Outlays on Existing Assets</b>		
Capital Expenditure on renewal and replacement of Existing Assets	1,817,000	2,836,100
less Depreciation, Amortisation and Impairment	(7,100,500)	(7,969,600)
less Proceeds from Sale of Replaced Assets	<u>(100,000)</u>	<u>(100,000)</u>
	<u>(5,383,500)</u>	<u>(5,233,500)</u>
<b>less Net Outlays on New and Upgraded Assets</b>		
Capital Expenditure on New and Upgraded Assets ( <i>Including investment property &amp; real estate developments</i> )	702,000	642,300
less Amounts specifically for New and Upgraded Assets	<u>-</u>	<u>-</u>
	<u>702,000</u>	<u>642,300</u>
<b>Net Lending / (Borrowing) for Financial Year</b>	<u>893,300</u>	<u>49,300</u>

**PORT AUGUSTA CITY COUNCIL**

**BUDGETED STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2019**

	ACCUMULATED SURPLUS	ASSET REVALUATION RESERVE	TOTAL EQUITY
<b>2019</b>			
Balance at end of previous reporting period	(12,680,548)	187,081,950	174,401,402
Net Surplus/ (Deficit) for year	(3,788,200)		(3,788,200)
<b>Balance at end of period</b>	<b>(16,468,748)</b>	<b>187,081,950</b>	<b>170,613,202</b>
Gain on revaluation of property, plant & equipment			-
<b>Balance at end of period</b>	<b>(16,468,748)</b>	<b>187,081,950</b>	<b>170,613,202</b>
<b>2018</b>			
Balance at end of previous reporting period	(8,238,648)	187,081,950	178,843,302
Net Surplus/ (Deficit) for year	(4,441,900)		(4,441,900)
<b>Balance at end of period</b>	<b>(12,680,548)</b>	<b>187,081,950</b>	<b>174,401,402</b>
Gain on revaluation of property, plant & equipment			-
<b>Balance at end of period</b>	<b>(12,680,548)</b>	<b>187,081,950</b>	<b>174,401,402</b>