

CONFIDENTIAL

ITEM 898

DISCRETIONARY RATE REBATE APPLICATIONS

SUSPENSION OF MEETING PROCEDURES

The Mayor suggested that the meeting would benefit from a short term suspension of meeting procedures, for up to 15 minutes to discuss this item.

This was agreed with a two thirds majority.

Meeting procedures were suspended at 10.28pm

Meeting procedures resumed at 10.43pm.

MOVED Councillor Palmer

SECONDED Councillor Hudson

That:

1. The report be received.
2. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999
 - b) SA Council of Social Services under Section 166(1) (j) of the Local Government Act 1999
 - c) The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999
3. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999
 - b) the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999
4. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 25% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Bible College of SA Inc. under Section 166 (1)(d) of the Local Government Act 1999.
5. The Chinese Association of SA Inc. under Section 166 (1) (j) of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term.

6. That the application for a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted to Cottage Homes Inc.
7. The applicants be formally advised of Council's decision.

LOST

Councillor Hewitson MOVED as an AMENDMENT, SECONDED Councillor Salaman, that:

That:

1. The report be received.
2. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999
 - b) SA Council of Social Services under Section 166(1) (j) of the Local Government Act 1999
 - c) The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999
3. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999.
 - b) the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999.
4. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 25% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Bible College of SA Inc. under Section 166 (1)(d) of the Local Government Act 1999.
5. The Chinese Association of SA Inc. under Section 166 (1) (j) of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term.
6. That the application for a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted to Cottage Homes Inc.
7. The applicants be formally advised of Council's decision.

LOST

MOVED Councillor Hughes
SECONDED Councillor Hudson

That:

1. The report be received.
2. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999.
 - b) SA Council of Social Services under Section 166(1) (j) of the Local Government Act 1999.
 - c) The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999.
3. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999.
 - b) the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999.
4. Further information be sought from:
 - a) the Bible College of SA Inc.
 - b) The Chinese Association of SA Inc.and a report be presented to Council for consideration at its 24 July 2017 meeting.
5. That the application for a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted to Cottage Homes Inc.
6. The applicants be formally advised of Council's decision.

CARRIED UNANIMOUSLY

CONFIDENTIAL

DECISION REPORT

REPORT TITLE:	DISCRETIONARY RATE REBATE APPLICATIONS
ITEM NUMBER:	898
DATE OF MEETING:	26 JUNE 2017
AUTHOR:	KYM CAULFIELD
JOB TITLE:	SENIOR RATES COORDINATOR

EXECUTIVE SUMMARY

This is the second report providing information on a number of discretionary rate rebate applications for Council consideration and endorsement.

In accordance with legislation, Council cannot make a 'blanket' decision on groups of applicants, but must consider each application on its merits. When rate rebates are applied to properties, any rates foregone are then redistributed to all other ratepayers. Discretionary rate rebates are only to be granted to successful applicants for the period of the Council term.

Council has recently endorsed a revised Rate Rebate Policy with a key principle that all ratepayers should contribute an amount towards basic service provision. As such the new Policy proposes a maximum discretionary rebate of 75%.

The recommendations in this report are based on the adopted Rates Rebates Policy and Administration's consideration of whether the applicants:

- are not-for-profit or profit-based:
- provide services or activities that are directly aligned to Council's outcomes in accordance with the Community Plan & 4 Year Delivery Plan or other community services that support the disadvantaged or sections of the community that require assistance
- provide a direct benefit to the residents of the City of Unley and the proportion of users that are Unley residents
- allows access to the services or activities by the community and general public
- provides direct services to the community as distinct from administration or advocacy

As a result of Administration's assessment, the following recommendations are made to Council:

- A 75% rate rebate be granted to:
 - a. St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999 as they meet a number of the direct service categories that support sections of the community that require assistance and are of benefit to the Unley community.
 - b. SA Council of Social Services under Section 166 (1) (j) of the Local Government Act 1999 as their services assist in supporting the vulnerable and disadvantaged people.
 - c. The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999 as although their services and activities do not directly align with Council's community outcomes, they do provide community services for family & children and a significant proportion of users are Unley residents.

- A 50% rate rebate be granted to:
 - a. the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999 as their services and activities align with Council's community outcomes and a good proportion of users are Unley residents.
 - b. the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999 as their services and activities align with Council's community outcomes and good proportion of users are Unley residents.

- A 25% rate rebate be granted to:
 - a. the Chinese Association of SA Inc. under Section 166 (1)(j) of the Local Government Act 1999 as their services and activities align with Council's community outcomes and a proportion of users are Unley residents
 - b. the Bible College of SA Inc. under Section 166 (1)(d) of the Local Government Act 1999 as although their services and activities do not directly align with Council's community outcomes, they do provide community services for young people and a good proportion of users are Unley residents.

- No discretionary rebate be granted to Cottage Homes Inc. given that their application relates to independent living units which already receive a rate benefit under section 158 of the Local Government Act due to an exemption from minimum rates.

RECOMMENDATION

MOVED:

SECONDED:

That:

1. The report be received.
 2. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999
 - b) SA Council of Social Services under Section 166(1) (j) of the Local Government Act 1999
 - c) The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999
 3. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999
 - b) the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999
 4. That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 25% rate rebate for the rating years from 2017-18 until end of the current Council term:
 - a) the Chinese Association of SA Inc. under Section 166 (1) (j) of the Local Government Act 1999
 - b) the Bible College of SA Inc. under Section 166 (1)(d) of the Local Government Act 1999.
 5. That the application for a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted to Cottage Homes Inc.
 6. The applicants be formally advised of Council's decision.
-

1. **RELEVANT CORE STRATEGIES/POLICIES**

O5.3 Good governance and legislative framework

O5.5 A financial sustainably approach to business and planning activity
Rate Rebate Policy

2. **DISCUSSION**

The Local Government Act 1999 (the Act) has provision for the application of mandatory (s159 to s165) and discretionary (s166) rate rebates.

At its meeting on 27 February 2017 Council adopted a revised Rate Rebate Policy to assist in determining community eligibility for rate rebates in accordance with the requirements of the Local Government Act 1999 (the Act).

Attachment 1

The new Rebate Policy recognises a key principle, that all rate payers (unless 100% Mandatory Rebate) contribute an amount towards basic council service provision. As such, the Policy recommends a maximum discretionary rebate of 75%.

This report is the second report to Council dealing with recent discretionary rebate applications received under Section 166 of the Act. Discretionary rebates are to be considered on a case-by-case basis, and may only be granted where applicants meet at least one of the 15 prescribed eligibility criteria set out in Section 166 of the Act.

Attachment 2

Criteria used by Council for Determination of a Discretionary Rebate

In accordance with legislation and Council's Rate Rebate Policy, Council must, in deciding whether to grant a rebate of rates or charges under section 166 subsection 1(d), (e), (f), (g), (h), (i) or (j) take into account:

- the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area;
- the community need that is being met by activities carried out on the land for which the rebate is sought;
- the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons, and
- may take into account other matters considered relevant by the Council.

The Administration in providing their recommendation to Council has taken into account whether the organisation:

- is not-for-profit or profit-based:
- provides services or activities that are directly aligned to Council's outcomes in accordance with the Community Plan & 4 Year Delivery Plan (maximum 75%)

- provides other community services or activities that support the disadvantaged or sections of the community that require assistance (maximum 75%)
- provide a community benefit to the residents of the City of Unley (maximum 50%) and the proportion of users that are Unley residents
- allows access to the services or activities by the community and general public
- provides direct services to the community as distinct from administration or advocacy

Under Section 166 of the Act, Council has no obligation to grant rebates, but rather the obligation to apply equity to similar applications (received now and in the future). Council cannot make a 'blanket' decision on groups of applicants, but must consider each application on its merits.

When rate rebates are applied to properties, any rates foregone are then redistributed to other ratepayers.

Summary information from each discretionary rebate application is provided below.

- **St John Ambulance Australia SA Inc. – 79-85 Edmund Avenue, Unley**

An application has been received requesting a discretionary rebate of 75% (\$15,394) under section 166(1) (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”*.

St John is a volunteer based organisation run entirely for the wellbeing of the South Australian community, providing first aid training and support at community events and providing community care programs for the elderly and disabled.

As a charity and registered not-for-profit, they are reliant on public donations together with the proceeds from commercial training and product sales to fund humanitarian services. They are not motivated by financial gain and all profit is returned to community services.

The Administration in providing their recommendation to Council has taken into account whether the organisation:

- is not-for-profit
- provides and programs targeted at sections of the community that require assistance and minority groups and as such is aligned to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy

Considering they meet a number of the direct service categories that are of benefit to sections of the community that require assistance as well as the Unley community, it is recommended that a discretionary rate rebate of 75% be granted.

- **South Australia Council of Social Service – 47 King William Road, Unley**

A rate rebate application has been received from SA Council of Social Services for the property at 47 King William Road, Unley.

The application seeks a mandatory 75% (\$3,078) rebate under Section under Section 161 Community Services or alternatively requests a rebate of 75% discretionary rebate of the same amount under Section 166 (1) (j) of the Local Government Act (the Act) *“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”*.

SA Council of Social Services are a not for profit organisation who are the peak body for non-government and community services sector in South Australia. SACOSS undertakes the key role at the highest level and focus on issues that affect vulnerable and disadvantaged people across the state, or which impact on all health and community services sector organisations.

Specifically, they provide the following:

- Representation in all matters on behalf of the sector
- Research, Policy Development, Advice and Advocacy – giving a voice to the interests of the vulnerable and disadvantaged people
- Information Dissemination to the sector
- Information Dissemination to the community
- Sector Development

The Administration in providing their recommendation to Council has taken into account whether the organisation:

- is not-for-profit
- provides other community services or activities that support the disadvantaged or sections of the community that require assistance
- provides programs targeted at a minority group and as such is aligned to Council’s outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy

The application for a mandatory 75% rebate does not strictly meet the requirements of the Act under Section 161.

However given that SACOSS services assist in supporting the vulnerable and disadvantaged people, it is recommended that a discretionary rate rebate of 75% be granted.

- **Maharishi Foundation Australia Ltd – 190 Greenhill Road, Parkside**

An application has been received requesting a discretionary rebate of 50% (\$1,889) under Section 166(1) (d) *“where the land is being used for educational purposes”*.

Maharishi Foundation Australia Ltd (MFA) is a not for profit organisation.

They teach the Transcendental Meditation Technique which is a simple, natural, effortless mental technique which originates from the ancient Vedic tradition which has a recorded history of over 10,000 years.

The organisation advise that they provide assistance or relief to disadvantaged persons internationally through the David Lynch Foundation and many of their MFA international assistance projects all of which teach the Transcendental Meditation technique. They have indicated that they provide Transcendental Meditation instruction and follow-up programs to our local community across a broad spectrum including elderly people, people with disabilities, young people, family and children, ethnic communities, the indigenous communities and the socially isolated or disadvantaged. The results always bring improved quality of life.

The Foundation advise that they provide services to the whole of the state with approximately 500 plus that are Unley residents.

Historically a 50% Rebate has been granted since 2010 but there is no documentation available to determine the basis on which the rebate had previously been granted.

The Administration in providing their recommendation to Council has taken into account that the organisation:

- is not-for-profit:
- provides community health services and activities that are directly aligned to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a good proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy

In accordance with Council's Discretionary Rate Rebate matrix, their services and activities align with Council's community outcomes and a good proportion of users are Unley residents, it is recommended that a 50% rate rebate be granted.

- **Contemporary Art Centre of SA – 14 Porter Street, Parkside**

An application has been received requesting a discretionary rebate of 75% (\$4,130) under section 166(1) (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”*

Contemporary Art Centre of SA is a not for profit organisation, providing art presentation and exhibition opportunities to artists and has a nationally significant art museum located in the Unley Area.

The centre advise that they have visitors of around 7500 people per annum, of which they estimate are about 30% were residents of the City. The application did not provide details as to how many exhibitors were artists from within the City.

Historically, a 75% Rebate has been granted since 2007 but there is no documentation available to determine the basis on which the rebate had previously been granted.

The Administration in providing their recommendation to Council has taken into account that the organisation:

- is a not-for-profit organisation
- provides Art & Culture services and activities that are directly aligned to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a good proportion of users are Unley residents
- allows access to the services or activities by the community and general public
- provides direct services to the community as distinct from administration or advocacy

In accordance with Council's Discretionary Rate Rebate matrix, their services and activities don't directly align with Council's community outcomes as their service offering is an exhibition space, and the proportion of visitors that are estimated to be Unley residents is between 25% and 50%. It is therefore, recommended that a 50% (\$2,753) rate rebate be granted.

- **The Community Child Care Centre Inc. – 110 Young Street, Parkside**

An application has been received requesting a discretionary rebate of 75% (\$2,928) under section 166(1) (d), *"where the land is being used for educational purposes"*

The Community Child Care Centre Inc. is a not for profit organisation and do not receive funding from the government.

The childcare centre is located in the heart of the Parkside community. They indicate that they are a not-for-profit community based childcare service providing high quality care for children aged 3 months to school age. They are governed by a management committee of parent representatives and the association has been delivering trusted high quality child care services for over 20 years.

The centre advises that they provide services to 50 users and 50% of these are Unley residents.

Historically a 95% Rebate has been granted since 2001 but there is no documentation available to determine the basis on which the rebate had previously been granted.

The Administration in providing their recommendation to Council has taken into account that the organisation:

- is not-for-profit:
- provides community services and activities that relate to family & children although these services do not directly align to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a significant proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy

This applicant cannot apply for a mandatory rebate for educational purposes, as they don't meet the explicit definition. The Discretionary Rate Rebate matrix has been considered and their services and activities directly align with Council's community outcomes, and a significant proportion of their users are Unley residents. It is therefore recommended that a 75% (\$2,928) rate rebate be granted.

- **The Chinese Association of SA Inc. – 12 Gordon Road, Black Forest**

An application has been received requesting a discretionary rebate of 75% (\$2,204) under section 166(1) (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”*.

The Chinese Association of SA Inc. are an unregistered not-for-profit entity and they have owned and occupied the property for more than 10 years.

The Chinese Association was started back in 1971 and their clubhouse at 12 Gordon Road, Black Forest, was acquired in 1982 through fund raising from the Chinese Community.

The association promotes good relations between Chinese residents in South Australia and other nationalities. They run the Chinese Ethnic School that conducts Chinese language, art and calligraphy classes at the Glenunga High School each Saturday during the school term. The premise at 12 Gordon Street primarily serves as the administration centre and site for storing all the text and reference books required for the classes. They currently have 116 students who are of school age and about 10 adult students. The applicant indicated about 15 to 20% are Unley residents.

Due to changing demographics, they find that there is an increasing demand for activities for the ageing population (seniors). The Association provides mah-jong games and karaoke sessions every weekend for their seniors as the means of maintaining mental agility and thus contribute to their general welfare. Members of the public are welcome to attend.

Their Association has organised fund raising events for charities that aid natural disasters nationally and internationally. In recent years, they have worked closely with Hepatitis SA, to educate and provide a scanning service (Fibroscan) to the Chinese community in exchange for use of their property.

They write in their application that the continuing support from Unley Council is vital, and much appreciated in order for the Chinese Association to achieve its objectives. The Association advises that their registered membership across the metropolitan area is 180 families and they estimate that approximately 15-20% of those are Unley residents.

Historically a 75% Rebate has been granted since 2006 but there is no documentation available to determine the basis on which the rebate had previously been granted.

The Administration in providing their recommendation to Council has taken into account whether the organisation:

- is not-for-profit
- provides cultural awareness and programs targeted at a minority group and as such is aligned to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy

In accordance with Council's Discretionary Rate Rebate matrix, their services and activities align with Council's community outcomes and a small proportion of users are Unley residents. Therefore, it is recommended that a 25% (\$735) rate rebate be granted.

- **Bible College of SA Inc. – 176 Wattle Street, Malvern**

An application has been received requesting a discretionary rebate of 75% (\$11,353) under section 166(1) (d), *"where the land is being used for educational purposes"*

Bible College of SA Inc. is a not for profit organisation that delivers the academic program of the Australian College of Theology (a government registered self-accrediting provider). The College is registered as a charity and advise that they receive no government funding, nor funding from any Church or religious denomination.

The College provides spiritual and educational services for training pastors. Graduates from the college have roles as pastors in the churches in the Unley area.

The College indicates that provide a program for over 700 people per annum and about 50 of those are Unley residents that are directly serviced by the College, and another 150 who are indirectly provided for (library).

Historically a 75% Rebate has been granted since 2011 and prior to that a 100% rebate had been granted for a number of years. There is no documentation available to determine the basis on which the rebate had previously been granted.

The Administration in providing their recommendation to Council has taken into account that the organisation:

- is not-for-profit
- provides community services and activities that relate partially to youth and education although these services do not directly align to Council's outcomes from the Community Plan & 4 Year Delivery Plan
- provide a direct benefit to the residents of the City of Unley and a proportion of users are Unley residents
- provides direct services to the community as distinct from administration or advocacy.

In accordance with Council's Discretionary Rate Rebate matrix, although their services and activities do not directly align with Council's community outcomes, they do provide community services for young people and a good proportion of users are Unley residents, it is recommended that a 25% (\$3,784) rate rebate be granted.

This applicant cannot apply for a mandatory rebate for educational purposes, as they don't meet the explicit definition. The Discretionary Rate Rebate matrix has been considered, and as their services and activities do not directly align with Council's community outcomes, and 25% of their users are Unley residents, it is recommended that a 25% (\$3,784) rate rebate be granted.

• **Cottage Homes Inc. – 19-27B Alfred Street, Parkside**

An application has been received requesting a discretionary rebate of 75% under section 166(1) (h) (j), *“where the land is being used to provide accommodation for the aged or disabled;” “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”*.

Cottage Homes Inc. is a not for profit organisation who provide affordable housing to the low income aged demographic. They own ten Independent Living Units located at 19-27B Alfred Street, Parkside.

Under section 158 of the Local Government Act 1999, Independent Living Units have an exemption from having the minimum rate applied to each property even though their property value is below the minimum threshold. This equates to approximately a 40% rate discount to similar valued

properties that are not independent living units. As such, it is considered from an equity perspective that any further reduction in rates not be granted.

Further, Unley has more than 500 Independent Living Units with ownership across a number of organisations including Living Choice Australia, Southern Cross Care and Elderly Citizen Homes. Any decision to grant an "additional" rebate to independent living units is likely to create a precedence for other organisations to apply and receive a similar rebate given that Council has the obligation to apply equity to similar applications (received now and in the future).

Our discussion with other SA councils indicated that they do not grant rebates to Independent Living Units given that these properties receive a rate reduction via their minimum rate exemption.

A summary of this information has been provided for Members as Attachment 3 of Item 898/17.

Attachment 3

ANALYSIS OF OPTIONS

Option 1- That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2017-18 until end of the current Council term:

- a) St John Ambulance Australia SA Inc. under Section 166 (1) (d) of the Local Government Act 1999
- b) SA Council of Social Services under Section 166(1) (j) of the Local Government Act 1999
- c) The Community Child Care Centre Inc. under Section 166 (1) (d) of the Local Government Act 1999

That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 50% rate rebate for the rating years from 2017-18 until end of the current Council term:

- a) the Maharishi Foundation Australia under Section 166(1) (d) of the Local Government Act 1999
- b) the Contemporary Art Society of Australia (SA) Inc. under Section 166(1)(j) of the Local Government Act 1999

That the following applications for a discretionary rate rebate under Section 166 of the Local Government Act 1999 be granted a 25% rate rebate for the rating years from 2017-18 until end of the current Council term:

- a) the Chinese Association of SA Inc. under Section 166 (1) (j) of the Local Government Act 1999.
- b) the Bible College of SA Inc. under Section 166 (1)(d) of the Local Government Act 1999

That the application for a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted to Cottage Homes Inc.

The applicants be formally advised of Council's decision.

This option is based on the adopted Rates Rebates Policy and Administration's consideration of whether the organisation:

- is not-for-profit or profit-based:
- provides services or activities that are directly aligned to Council's community outcomes in accordance with the Community Plan & 4 Year Delivery Plan
- provides other community services that support the disadvantaged or sections of the community that require assistance
- provide a direct benefit to the residents of the City of Unley and the proportion of users that are Unley residents
- allows access to the services or activities by the community and general public
- provides direct services to the community as distinct from administration or advocacy

Option 2 - A key principle of the Policy is that all rate payers (unless 100% Mandatory Rebate) contribute an amount towards basic council service provision. As such, the Policy recommends a maximum discretionary rebate of 75%.

The adopted Rates Rebate Policy acknowledges that Council may resolve differently to the report recommendations.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

5. POLICY IMPLICATIONS

5.1 Financial /Budget

When rate rebates are applied to properties, any rates foregone are then redistributed to all other ratepayers. As such, once Rates have been declared and the budget rates income for the financial year is set based on existing and known rate rebates, any determination of the percentage of rebates different from the proposed recommendations will have a financial impact that will need to be addressed by Council at a future Budget Review.

The financial impact to the 2017-18 budget if all rebates are granted to the maximum requested as opposed to the current recommendations is \$15k.

5.2 Legislative/Risk Management

The primary legislative provisions in the Local Government Act relating to rebates are:

Local Government Act 1999 Division 5 – Rebates of Rates

Section 160 – Health Services	100% Rebate
Section 161 – Community Services	75% Rebate
Section 162 – Religious Purposes	100% Rebate
Section 163 – Public Cemeteries	100% Rebate
Section 164 – Royal Zoological Society of SA	100% Rebate
Section 165 – Educational Purposes	75% Rebate
Section 166 – Discretionary rebates of rates	

Council's revised Rate Rebate Policy was adopted at the 27 February 2017 Council Meeting.

6. REPORT CONSULTATION

The Executive Management Team, Community Development Team and Council have been consulted on the Rate Rebate Policy and implications. Elected Members were provided full details of the individual applications in addition to an email that was sent summarising the applications due for review at the council meeting.

7. ATTACHMENTS

1. Summary of Discretionary Rate Rebate Applications to be considered
2. Rate Rebate Policy and Matrix
3. Legislation – Sect 166 of the Local Government Act

8. REPORT AUTHORISERS

Name	Title
Nicola Tinning	General Manager Business Support and Improvement
Peter Tsokas	Chief Executive Officer

ATTACHMENT 1

Applicant	Property Address	Actual Use	Section	Recommendation/ Reason	Total Rates 2017/18	Requested Discretionary Rebate % and Amount	Recommended Discretionary Rebate Amount
St John Ambulance Australia SA Inc.	79-85 Edmund Avenue, Unley	First Aid Training/ Administration	166.1.j	<ul style="list-style-type: none"> recommend granting a 75% discretionary rate rebate under Section 166 of the Local Government Act 1999 organisation meets a number of the direct service categories that support sections of the community that require assistance and are of benefit to the Unley community 	\$20,524	(\$15,394)	(\$15,394)
SA Council of Social Service	47 King William Road, Unley	Advocacy	166.1.j	<ul style="list-style-type: none"> recommend granting a 75% discretionary rate rebate under Section 166 of the Local Government Act 1999 services and activities assist in supporting the vulnerable and disadvantaged people 	\$4,104	(\$3,078)	(\$3,078)
Maharishi Global	190 Greenhill Road, Parkside	Education	166.1.d	<ul style="list-style-type: none"> recommend granting a 50% discretionary rate rebate under Section 166 of the Local Government Act 1999 services and activities align with Council's community outcomes and a good proportion of users are Unley residents. 	\$3,778	(\$1,889)	(\$1,889)
Contemporary Art Society of SA	14 Porter Street, Parkside	Art Exhibition/Museum	166.1.j	<ul style="list-style-type: none"> recommend granting a 50% discretionary rate rebate under Section 166 of the Local Government Act 1999 their services and activities don't directly align with Council's community outcomes as their service offering is an exhibition space, and the proportion of visitors that are estimated to be Unley residents is between 25% and 50% 	\$5,506	(\$4,130)	(\$2,753)

ATTACHMENT 1

Applicant	Property Address	Actual Use	Section	Recommendation/ Reason	Total Rates 2017/18	Requested Discretionary Rebate % and Amount	Recommended Discretionary Rebate Amount
The Community Child Care Centre	110 Young Street, Parkside	Child Care	166.1.j	<ul style="list-style-type: none"> recommend granting a 75% discretionary rate rebate under Section 166 of the Local Government Act 1999 their services and activities align with Council's community outcomes, they provide community services for family & children and a significant proportion of users are Unley residents 	\$3,904	(\$2,928)	(\$2,928)
Chinese Association of SA Inc.	12 Gordon Road, Black Forest	Administration/ Clubhouse	166.1.j	<ul style="list-style-type: none"> recommend granting a 25% discretionary rate rebate under Section 166 of the Local Government Act 1999 their services and activities align with Councils community outcomes and a proportion of users are Unley residents 	\$2,939	(\$2,204)	(\$735)
Bible College of SA	176 Wattle Street, Malvern	Education	166.1.d	<ul style="list-style-type: none"> recommend granting a 25% discretionary rate rebate under Section 166 of the Local Government Act 1999 their services and activities do not directly align with Council's community outcomes, and 25% of their users are Unley residents 	\$15,138	(\$11,353)	(\$3,784)
Cottage Homes INC	19-27B Alfred Street, Parkside	10 Independent Living Units	166.1.h.j	<ul style="list-style-type: none"> recommend a discretionary rate rebate under Section 166 of the Local Government Act 1999 not be granted given that these properties receive a rate reduction via their minimum rate exemption 	\$4,445	(\$3,334)	\$0
						(\$44,310)	(\$30,561)

DISCRETIONARY REBATE DECISION MATRIX

For Profit or Not for Profit	Services/activities available to community/general public if land only	Direct Service - Max of 75%	1. Community Need Alignment (Max 75%)	Proportion of participants are Unley residents
If Profit 0%	Consider availability to community/general public if not available or locked- recommend 0%		Recreation	Significant proportion Unley Residents > 50%
Otherwise next step	If Land & Buildings Consider availability of use to community/general public ie services not restricted		Arts & Culture Community Art Cultural Awareness Program	Good proportion of participants are Unley residents > 25%
			Community Disadvantaged Minority group learning & skill development Community health & safety Promotion of healthy eating & access to healthy food	> 10% of participants are Unley residents
			Environment	Otherwise 0%
			2. Alignment with Sect.161 (Max 75%) Provide similar services but may not on strict legislative interpretation receive a mandatory rebate Require activities carried out on land to provide assistance or relief to disadvantaged persons	75%
			3. Is the organisation classified as a Public Benevolent Institution (Max 50%)	Good or significant proportion of participants are Unley Residents > 25% > 10% of participants are Unley residents Otherwise 0%
			4. Other Community Service (Max 50%) Older Indigenous Family & Children People with Disabilities Ethnic Community Young People Socially isolated or disadvantaged	Significant proportion of participants are Unley residents > 50% Good proportion of participants are Unley residents > 25% < 25% of participants are Unley residents
		Advocacy - Max of 50%	Community Need Alignment	Yes & Significant proportion of participants are Unley Residents 50% Yes & Good proportion of participants are Unley Residents 25% < 25% of participants are Unley Residents 0% No 0%
		Administration - Max of 25%	Community Need Alignment	Yes & Significant proportion of participants are Unley Residents 25% < 50% of participants are Unley Residents 0% No 0%

