



District Council of Cleve



Annual Report 2004/2005

CONTENTS

Chairman's Report 2004-2005	3
General Information	5
Council Logo.....	5
Map of Council and Boundaries	6
Elected Members.....	7
Council Meetings	7
Council Established Committees	8
Council Appointed Representatives on Internal Groups	9
Council Appointed Representatives on External Groups.....	10
Information on Allowances.....	12
Council Employees as at 30 th June 2005.....	12
Organisational Chart and Decision Making Structures.....	13
Electoral Representation	14
Management Plans	15
Human Resource Management	15
Community Land Management Plans.....	15
Occupational Health and Safety	15
Strategic Management Plan	15
Competitive Tendering/Tenders/Purchasing/Sales.....	15
Refuse Depot Hours of Opening	16
Cleve School Community Library Hours of Opening	16
Finance and Administration	17
Freedom of Information Summary.....	18
Freedom of Information Statement	19
Cleve & Districts Future Directions Group Report.....	23
Arno Bay & Districts Boat Ramp Committee Report.....	25
Cleve District Hall Management Committee Report	27
Cleve Community & Sporting Centre Committee Report	28
List of Registers, Policies & Codes of Practice	29
Rating Policy.....	30
Financial Statements	41

CHAIRMAN'S REPORT 2004-2005

I am pleased to be able to provide this report on another busy Council Financial Year.

Significant increases in valuations in some areas, particularly at Arno Bay, caused much discussion when Council came to adopt a budget for the year. An overall increase of 5% over the previous year was eventually adopted to fund the budget, however rates for the Arno Bay township were increased by approximately 25% (\$70 - \$90) to more equally reflect the services received and property valuations applicable. Although Arno Bay township rates are still significantly below other similarly valued township allotments, increases over the next few years should achieve a fairer rating system. A public meeting was held at Arno Bay at which most Elected Members attended and I thank you for this commitment. Although everyone present may not have been happy with the rate increases, all left with a far better understanding of Arno Bay's situation in relation to rates and services compared to the rest of the district.

Road conditions have again been variable, with late season breaking rains in Eastern Eyre Peninsula generally, ending a dry period. Finishing rains to enable late sown crops to mature may still provide reasonable returns. Plenty of grain around remains the districts main wish, although as far as roads go it is somewhat of a "double edged sword". If a good season is achieved I am certain ratepayers would accept a few road "blowouts" occurring over harvest, until they can be repaired. The farming industry and rural residents will continue to be provided with a road system that will sustain their needs to the best of Council's financial ability. The Council will keep a close eye on road use or rail preferences for carting grain, which may have a significant affect on this region. The announcement of Government funding to upgrade sections of the Eyre Peninsula Rail Network, sourced through the Eyre Regional Development Board, was sincerely welcomed. Improved communications between Grain Boards and Local Government is important if our roads are to survive. A major focus for Council is the Balumbah/Kinnaird road, which follows the rail/silo network from north of the district to the Lincoln highway near Port Neill. The Governments decision to continue the "Roads to Recovery" funding program was crucial to future road development and maintenance.

The Arno Bay Boat Harbour has continued to develop, albeit at a slower pace than expected. The Council and staff are to be commended for working through and overcoming the myriad of obstacles that have arisen on this project. Completion should occur around December 2005, when a high quality and visually appealing product should be in use and assisting in local and regional economic development.

The contribution of the Eyre Peninsula Local Government Association (EPLGA) is acknowledged, as it comes through one of the more turbulent periods of its long history, following the surprise withdrawal of the City of Port Lincoln (and the City of Port Augusta). The EPLGA is an important lobbying group for the region, where a "combined voice" has obtained a captive audience, when individually this could not be achieved. The EPLGA has attracted significant funding for the region, and continues to actively pursue major issues such as Water, Grain Transport, Waste Management, Roads and Transport, Electricity Scoping and Coastal Management.

Much work has been done to allow for future development in the region, particularly at Arno Bay, to meet the needs of residents and industry. The lengthy planning process to create "zoning" for future residential and aquaculture development is continuing, with provision for future rural living and industrial areas also proposed. This Arno Bay Plan Amendment Report is expected to be finalised in late 2005. Further rural living, industrial and residential zones in Cleve are also proposed.

Work was completed on stage 2 of the "Elson" residential subdivision in Cleve this year, as allotments in stage 1 had almost all been sold. The land market when stage 2 was commenced was very active, but had subsequently "cooled" by the time the allotments were fully developed and offered for sale. Demand does tend to fluctuate and as vacant allotments available in the township are very limited, stage 2 land remains a valuable asset for future community development.

Council's financial position remains strong despite budgeting to reduce its "cash" position significantly in 2004/2005. Outstanding loans relate to the development of the Civic Centre building (\$200,000) and to the Arno₃

District Council of Cleve
Annual Report 2004/2005

Bay Boat Harbour (\$250,000 – State Government). All other loans are “Community Loans” on which the principle and interest is fully repaid by the groups themselves.

The Arno Bay & District Boat Ramp Committee, Cleve & Districts Future Directions Group, the Cleve District Hall Committee and the Cleve District Community and Sporting Centre have continued their good work with strong leadership and dedication. Although not Council bodies, the Arno Bay Estuary Group and Arno Bay Progress Association, Cleve and District Lions and Apex Clubs along with all other volunteers are thanked for their vital contributions. The Estuary Group is also congratulated for its recent Tourism Award for the Boardwalk Project, which was thoroughly deserved.

Elected Members have been extremely active in attending various conferences and meetings through the year. This remains essential to keep abreast of ongoing changes and developments and to enable appropriate decision making with the “bigger picture” in mind. Particular thanks to Deputy Chairman Allan Edwards for his support, and to all Councillors for performing what I have heard described as “the ultimate community service”.

The District continues to have outstanding leadership and support from Council staff. I thank them very much for their contribution, and look forward to working together to achieve a positive future for the district and region.

Thank you.

Judith Jackson
CHAIRMAN
DISTRICT COUNCIL OF CLEVE

GENERAL INFORMATION

Office Opening Times	9am - 5pm Monday to Friday
District Area	480 343 ha.
District Population	1913
Site Value of Rateable Properties	\$143,662,400
Number of Rateable Properties	1346
Road Length - Council owned	1488 km
- Transport SA	170 km
Average Rainfall Ranges	320 - 425 mm
Foreshore length	30 km
Dogs Registered	451
Development Applications Approved	78
Value of Development Applications	\$3,157,990

COUNCIL LOGO

The green hill represents the hilly ranges throughout the Council area.

The blue lines represent our coastline (including aquaculture development at Arno Bay), creeks and rivers.

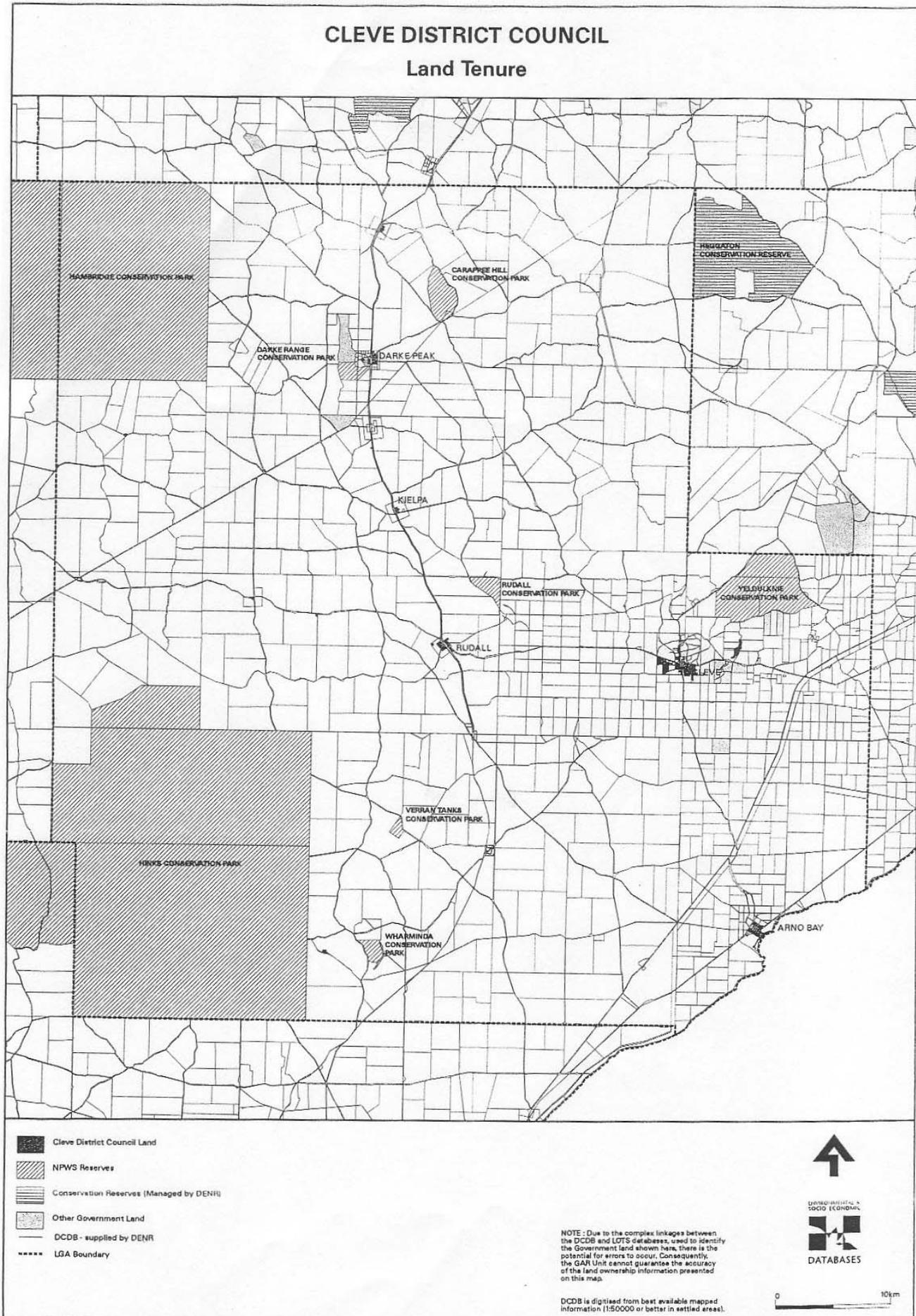
The red sun represents the warm weather that so many people enjoy along the coast during the summer months.

The yellow ear of wheat represents the all important industry of grain production in this region.



**DISTRICT COUNCIL
OF CLEVE**

MAP OF COUNCIL AND BOUNDARIES



*District Council of Cleve
Annual Report 2004/2005*

ELECTED MEMBERS

Chairman

Judith A Jackson	42 Edwards Tce CLEVE SA 5640	Ph: 8628 2027 Fax: 8628 2027
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Deputy Chairman

Allan J Edwards	48 Edwards Tce CLEVE SA 5640	Ph: 8628 2001 Fax: 8620 7145
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Councillors

Donald S Hauschild	PO Box 19 ARNO BAY SA 5603	Ph: 8628 0007
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Edwin J Ward	15 Henderson Ave CLEVE SA 5640	Ph: 8628 2100 (wk) Ph: 8628 2250 (hm) Fax: 8628 2109
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Bevan R Millard	23 Edwards Tce CLEVE SA 5640	Ph: 8628 2492 Fax: 8628 2492
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Gregory J Cook	17 West Tce CLEVE SA 5640	Ph: 8628 2158 (wk) Ph: 8628 2182 (hm) Fax: 8628 2515
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Rodney J Herde	PO Box 121 CLEVE SA 5640	Ph: 8628 2998 Fax: 8628 2997
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Glenys L Humphries	PO Box 12 CLEVE SA 5640	Ph: 8628 2772
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COUNCIL MEETINGS

The Ordinary Meetings of Council are held on the second Friday of each month. Meetings commence at 9:30am and are open to members of the public.

Electors and residents can bring any matter before Council, by writing to the Chief Executive Officer, PO Box 36, Cleve SA 5640.

All correspondence is requested to be submitted seven days prior to the meeting.

COUNCIL ESTABLISHED COMMITTEES

Committee	Members	General Purpose	Reporting/Accountability
Arno Bay & District Boat Ramp Committee	N Wickstein (Pres) G Noble (Vice Pres) L Wickstein (Sec/Treas) <u>Comm. Members</u> J Bammann H O'Brien F Wake DS Hauschild (Council)	To ensure continued provision of suitable boat ramp and associated facilities (recreational).	Per constitution rules. 7 members 6 elected at AGM 1 appointee of Council Council to ratify membership 12 month terms.
Cleve District Hall Committee	P Dubois (Pres) E Weiss (Vice Pres) B Shearer (Sec) <u>Comm. Members</u> R Elson D Briese C Jacobs G Humphries	To manage and maintain the Cleve district hall for community functions.	Per constitution rules. Min 5, max 7 members Elected at AGM 12 month terms Council to ratify membership.
Cleve & Districts Future Directions Group	D Smith (Chair) P Chesson (Sec/Treas, Cncl) L Briese (Bus. Rep) <u>Committee</u> W Elson J Jackson D Briese C Dennis C Drummond (Lions Club) G Humphries (Council Rep.)	To stimulate opportunities for developing the social, cultural, environmental and economic aspects of the district.	Per constitution rules. Up to 7 members. Elected at AGM. Plus 1 Council Appointee. 12 month terms. Council to ratify membership.
Cleve Community And Sporting Centre Committee	G Cook (Chair, Council) M Bammann (Dep. Chair) K Gale (Sec) K Richardson (Treas) D Smith J Turner A Jenner L Deakin C Jacobs A Whitehead (one vacancy)	To investigate and facilitate the development of a new district community and sporting centre.	Per constitution rules. Min 11, max 14 members. Elected at AGM. Plus 1 Council appointee. 12 month terms. Council to ratify membership.
Arno Bay Harbour Project Team	Cr JA Jackson Cr GJ Cook Cr EJ Ward Cr RJ Herde Cr DS Hauschild Mr J Chappell CEO, DCEO, WM <u>Advisors/Observers</u> RN Wickstein A.B.P.A. G Noble A.B.D.B.R.C.	To act as an advisory group and meet as may be deemed necessary to facilitate the harbour construction project on behalf of Council.	Reports and minutes to Council as necessary.

*District Council of Cleve
Annual Report 2004/2005*

Aquaculture Development Advisory Group	Cr JA Jackson Cr EJ Ward Cr DS Hauschild Cr GJ Cook Council Officers	To advise on aquaculture development matters.	Reports to Council as necessary.
Council Houses & Community Properties Advisory Committee	Cr JA Jackson Cr GJ Cook Cr GL Humphries	To monitor and report on the condition of properties including advice on upgrading and disposal or acquisitions.	Reports to Council as necessary.
Foreshore Advisory Committee	Cr JA Jackson Cr DS Hauschild Cr GJ Cook Works Manager	To advise on matters affecting the foreshore under Council control.	Reports to Council as necessary.
Strategic Planning Committee	All Elected Members of Council		
Tenders Committee	Cr JA Jackson Cr RJ Herde Cr GJ Cook	In accord with Council policy, to open, summarise and recommend tenders to Council.	Meets as required and reports to Council as necessary.
Waste Management Advisory Committee	Cr RJ Herde Cr AJ Edwards Works Manager	To investigate & advise Council on matters associated with managing waste disposal depots, recycling etc.	Meets and reports to Council as necessary.

COUNCIL APPOINTED REPRESENTATIVES ON INTERNAL GROUPS

Committee	Members	General Purpose	Reporting/Accountability
Development Assessment Panel	All Elected Members of Council	To assess development applications, to assist the Council to exercise or perform its functions and powers under Part 4 and in accordance with powers delegated to the panel under Sec 56. A (2) (a) of the Development Act 1993.	Meetings coincide with Council meetings. Delegations per policy manual (must be reviewed annually).
Building Fire Safety Committee	The Whole Council <u>Council Building Surveyor:</u> - B Thomas - N Modystach <u>S.A.C.F.S. Nominee:</u> - Max Mc Alister - Simon Vogel (Proxy)	To follow up officer reports or recommendations associated with building fire safety to ensure compliance by building owners/occupiers. (Sec 71 Country Fires Act)	

*District Council of Cleve
Annual Report 2004/2005*

Cleve District Bushfire Prevention Committee	F.P.O. – AW Brinkman Cr RJ Herde Cr BR Millard Cleve CFS Rep - Arno Bay Darke Peak Rudall Wharminda Gum Flat	As required under the Country Fires Act (S33)	Meets and reports as required.
Occupational Health, Safety & Welfare Comm. (Including Equal Opportunities)	Chief Executive Officer Assistant Works Manager Safety Coordinator – I Noble P Arnold (Admin) M Perkins (Works) R Haines (Works)	As required under the Occ., Health, Safety & Welfare Act.	Regular meetings and reports to Council as necessary.
Cropping Advisory Group Representatives	Cr AJ Edwards Cr RJ Herde	To monitor and advise on cropping standards and practices in relation to the cropping of Council controlled land, in consultation with holders of cropping rights.	
Enterprise Bargaining Group Representatives	Cr JA Jackson Cr EJ Ward	To represent Council on the single enterprise bargaining group in association with all E.B. negotiations and matters.	
Public Consultation Policy Advisory Group Representatives	Cr JA Jackson Chief Executive Officer	To determine the communication and consultation strategy for each specific public consultation topic.	

COUNCIL APPOINTED REPRESENTATIVES ON EXTERNAL GROUPS

Committee	Members	General Purpose	Reporting/Accountability
Cleve Area School/Community Library Board	PJ Arnold Coral Simes Terri Kraehe	Management board of the School/Community Library.	Reports to Cleve Area School and District Council of Cleve.
Cleve Area School/Community Swimming Pool Committee	Cr GJ Cook	Management Committee.	Reports to Cleve Area School and District Council of Cleve via council representative.
Cleve & District Senior Citizens Club Advisory Board	Cr AJ Edwards Cr JA Jackson Cr BR Millard	To meet and adjudicate in the unlikely event of an internal dispute or matter requiring external facilitation.	Reports to Senior Citizens Club.
Eastern Eyre Animal & Plant Control Board	Cr RJ Herde CR EJ Ward	Animal & Plant Control as per legislation.	Reports to State Authority and member councils.

*District Council of Cleve
Annual Report 2004/2005*

Eyre Peninsula Coastal Councils Group	Chief Executive Officer, FL Gillings Cr GJ Cook Cr JA Jackson (Proxy)	To consider coastal management and strategy issues associated with local government.	Reports to member councils and NRM bodies as appropriate.
Eyre Peninsula Local Government Association	Cr JA Jackson (Delegate 1) Cr AJ Edwards (Delegate 2) Cr DS Hauschild (Deputy Member)	Regional Association.	Reports to member councils.
SA Local Government Association and SA Local Government Finance Authority	Cr JA Jackson Cr AJ Edwards (Proxy)	State Association.	Reports to member councils.
Sims Farm Agricultural Advisory Committee	Cr AJ Edwards Cr BR Millard	To advise on the operation of Sims Farm.	Reports to Cleve Area School.
Cleve Health & Aged Care Advisory Group	Cr GL Humphries		
EPLGA Roads and Transport Working Party	Cr BR Millard Works Manager		

INFORMATION ON ALLOWANCES

Allowances paid to elected members of Council for 2004/2005 financial year

Member	Annual Allowance
Chairman	\$8,000.00 pa
Deputy Chairman	\$2,500.00 pa
Elected Member	\$2,000.00 pa

Allowances, bonuses and benefits that are made available to Senior Executive Officers as part of a salary package

Position	Allowance or Benefit
Chief Executive Officer	Private use of Council Motor Vehicle as per Council Policy Cash payment in lieu of the provision of Council Housing Rental on Residential Telephone
Deputy Chief Executive Officer	Provision of Council Housing at subsidised rental rates Rental on Residential Telephone
Works Manager	Private use of Council Motor Vehicle as per Council Policy Provision of Council Housing at subsidised rental rates Rental on Residential Telephone

COUNCIL EMPLOYEES AS AT 30th JUNE 2005

Administration

Frank Gillings	Chief Executive Officer
Brenton Parsons	Deputy Chief Executive Officer
Peter Arnold	Senior Administration Officer
Karen Crosby	Part Time Administration Officer
Belinda Cox	Administration Officer
Pam Chesson	Part Time Project Officer
Alf Brinkman	Works Manager
Ivan Noble	Assistant Works Manager
Stewart Payne	Planning Consultant (as required)

Authorised Officers - under Development Act S18,19.

Stewart Payne	Whyalla	Planning
Katnich Dodd	Adelaide	Building
Brenton Thomas	Whyalla	Building
Noel Modystach	Whyalla	Building

Works

Construction/Maintenance

Brian Carlaw – Leading Worker	Robert Haines
Paul Jenner – Leading Worker	Grant Crosby
Roy Jackson	Matthew Furnell
Ted Strawbridge	Simon Clements
Fred Wake	Michael Perkins

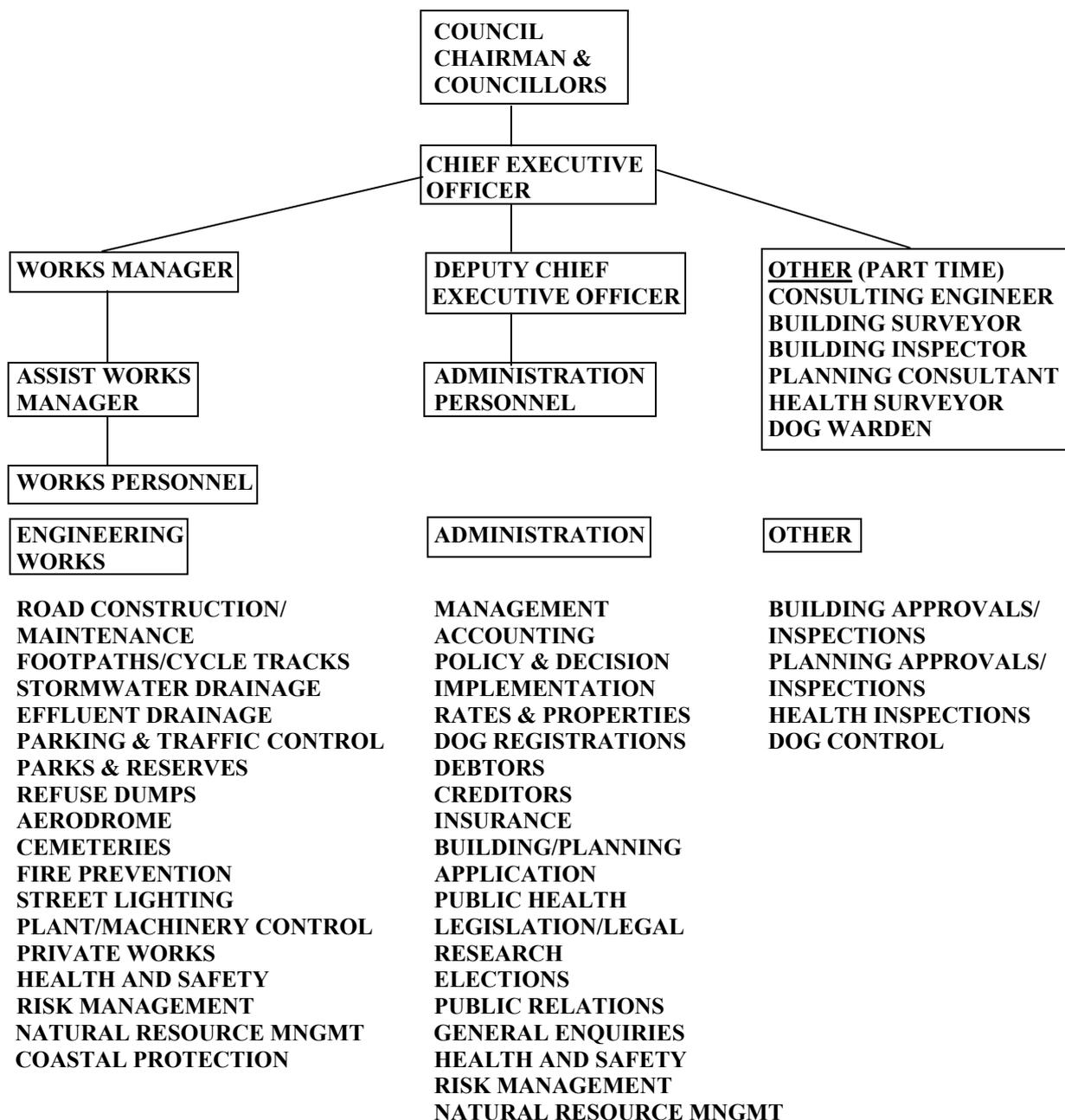
Town Maintenance

Lil Altmann - Leading Worker
Laura Masters - Trainee

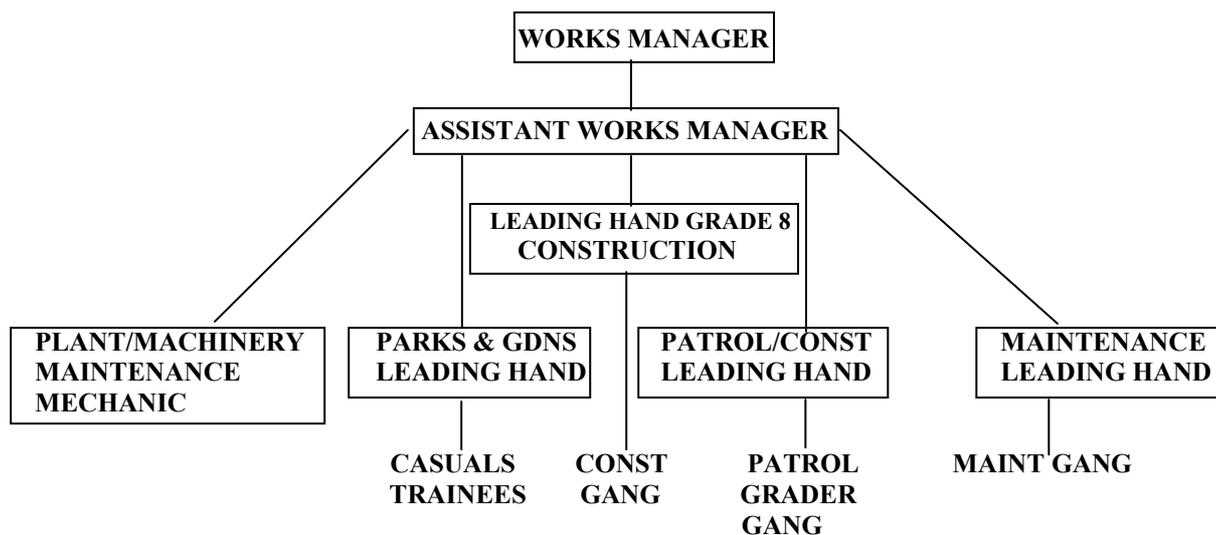
Depot

Neville White - Mechanic

ORGANISATIONAL CHART AND DECISION MAKING STRUCTURES



ENGINEERING/WORKS DEPARTMENTAL CHART



ELECTOR REPRESENTATION

1. Periodical Review

Section 12(4) of the Local Government Act 1999, (The Act) requires Council to conduct an elector representation review at least once in every six years. The last review of the District Council of Cleve was certified on 5th November 2001. The next review is due to be undertaken in 2007.

2. Public Consultation

Public notice of a review is given via the placement of notices in the Government Gazette, The Advertiser and the local Eyre Peninsula Tribune.

This public notice stipulates a minimum period of six weeks in which written submissions from interested persons are invited.

Any person making a written submission is also given the opportunity to appear personally or by representative, before Council.

After considering written submissions, the Council is required to compile a report on its proposals for the Elector Representation Review. This report is once again publicly notified, with a minimum of three weeks given for any person wishing to make a written submission. A further opportunity is given for those persons making a submission, to appear personally or by representative, before Council.

3. Current Representation

Currently, the Council operates under a single or no wards system with each of the eight Councillors representing the district at large rather than each representing designated, segregated wards. The Chairperson is chosen by the members of Council from amongst their own number of eight elected Councillors, in accordance with Section 51(b) of the Act.

The Cleve Council area comprises some 480 000 hectares of predominantly farming land (cereals and sheep). Cleve, is the districts main township with a population of around 900, with the smaller towns of Arno Bay (170) Rudall (20) and Darke Peak (20) within 15 to 30 minutes driving distance from Cleve. Approximately half of the districts population live outside of townships, on farming properties.

The various community sporting, social and commercial interests are well aligned with the Councils current composition and structure. While the district council population is around 2000 persons, Cleve is a central township with an estimated population coverage of 4700 people within 50 minutes driving time. (PJ Smailes report 1991)

There are 1326 House of Assembly electors and 259 other persons entitled to vote on the CEO's roll, giving a total of 1585.

The Council has no wards and the 1585 electors are represented by 8 Councillors including the Chairman, which gives an average representation of 198 electors per Councillor. This ratio ensures adequate and fair representation overall and avoids over representation in comparison with other councils of a similar size and type. The average representation quota for 9 other South Australian Council areas grouped as "Rural Agricultural Small", is 181, with a high of 295 and a low of 111.

MANAGEMENT PLANS

HUMAN RESOURCE MANAGEMENT

Equal Employment Opportunity programs, and other Human Resource Management or Development programs for the year 2004/2005, have been implemented as per Council Policy and the Equal Opportunity Act 1984.

COMMUNITY LAND MANAGEMENT PLANS

Council has determined "Community Land" requirements, including which land should be subject to a Management Plan. Management Plans for Community Land (Playgrounds and Sport and Recreation Facilities) are available for perusal at the Council office. Further Management Plans continue to be investigated and developed, as required.

OCCUPATIONAL HEALTH AND SAFETY

An Occupational Health and Safety Committee consisting of a Safety Coordinator (Assistant Works Manager), one office elected representative and two depot elected representatives, currently meets regularly (at least quarterly) to discuss safety related issues.

Councils Regional Risk Control officer (based at Whyalla) also attends these meetings, to ensure safe work practices and environments, and to further ensure compliance with legislative requirements.

STRATEGIC MANAGEMENT PLAN

The District Council of Cleve has adopted a Strategic Management Plan, as required under the Local Government Act, in May 2002. This plan is reviewed annually.

Included in the Plan are the following Vision and Mission Statements: -

Vision: The District Council of Cleve will promote a progressive community building on our strengths for future generations.

Mission: The District Council of Cleve will provide a high standard of services and infrastructure within our community to sustain and improve the quality of life.

The Plan includes a number of Core Values for the Council, which are: -

To perform a strategic role	Openness and integrity
Customer service	Continuous improvement
Stability	Teamwork
Energising and positive leadership	

The Plan contains a number of Goals, objectives and strategies in order to fulfill its vision and mission statements, and these will be further developed over the next few years. Copies of Councils Strategic Management Plan can be obtained from the Council office.

COMPETITIVE TENDERING/TENDERS/PURCHASING/SALES

To ensure that services are delivered cost-effectively, the District Council of Cleve has adopted a "Competitive Tendering, Contracting Out of Services, Purchasing & Sale and Disposal of Land and Other Assets" Policy.

A copy of this policy is available from the Council office.

REFUSE DEPOT HOURS OF OPENING

Cleve Refuse Depot				Arno Bay Refuse Depot			
Monday	4:15pm	-	5:15pm	* Monday	4:00pm	-	5:00pm
Tuesday	8:30am	-	9:30am	Tuesday	4:00pm	-	5:00pm
Wednesday	4:15pm	-	5:15pm	* Wednesday	4:00pm	-	5:00pm
Thursday	8:30am	-	9:30am	Thursday	9:00am	-	10:00am
Friday	4:15pm	-	5:15pm	Friday	4:00pm	-	5:00pm
Saturday	10:00am	-	12 noon	* Saturday	9:00am	-	10:00am
Sunday	10:00am	-	12 noon	Sunday	9:00am	-	11:00am
The depots will not be opened on Public Holidays				* 27th December to 31st January only			

CLEVE SCHOOL COMMUNITY LIBRARY HOURS OF OPENING

Located at Cleve Area School, Second St, Cleve.

Normal Time		School Holidays	
Monday	9:00am – 8:00pm	Monday	12.00 – 3.00 pm 4.00 – 8.00 pm
Tuesday	9:00am – 6:00pm	Tuesday	10.00 – 1.30 pm 2.30 – 6.00 pm
Wednesday	9:00am – 4:00pm	Wednesday	9.00 – 12.00 pm 1.00 – 4.00 pm
Thursday	9:00am – 6:00pm	Thursday	10.00 – 1.30 pm 2.30 – 6.00 pm
Friday	9:00am – 8:00pm	Friday	12.00 – 3.00 pm 4.00 – 8.00 pm
CLOSED PUBLIC HOLIDAYS		Ph: 8628 2607	

FINANCE AND ADMINISTRATION

Councils total budget was in excess of \$4 million dollars with rates representing around 36 percent (approx \$1,500,000.00) and the balance from Grants Commission Funds (approx \$840,000) reimbursements, other fees, charges and overheads.

Roadworks continue to be the dominant expenditure with well over \$1 million being spent on roads in 2004/2005.

Significant expenditure was allocated to major projects such as the Arno Bay Boat Harbour, Stage 2 of the Elson residential subdivision in Cleve and “Roads to Recovery” roadworks programs.

“Roads to Recovery” grants have assisted in providing appropriate road construction and maintenance programs, although Council has advised that further funding is required to adequately maintain Council’s road network.

The Council has an effective plant replacement program and is concentrating on maintaining sufficient reserves to replace plant and other capital items without undue reliance on borrowings.

A flexible five year works program has been adopted in principle and forms the basis of future works objectives. The program is reviewed annually and will necessarily be flexible to accommodate changing circumstances and priorities.

Occupational Health and Safety and Equal Opportunity matters continue to be addressed through regular committee meetings and internal and external consultation, auditing and reporting.

Councils loan liabilities relate to the construction costs of the Civic Centre Project in 1999, (through the Local Government Finance Authority) and the construction of the Arno Bay Boat Harbour (State Government). All other loans, apart from Community loans which are repaid by the Community Groups themselves, are fully repaid.

Other major projects for 2004/2005 included:-

- Effluent Drainage Construction.
- Increase in Waste Disposal Costs.
- Flooding and Erosion Protection Strategy for Arno Bay.
- Power Line Undergrounding in Main Street Cleve.
- Major Plant Purchases.
- Street Light Installation over Causeway Road at Arno Bay.
- Oil Storage Shed at Council Depot.
- Ongoing Information Technology (Computer) Upgrades.
- Council House Upgrades.

A copy of Councils Audited Financial Statements are included in this Annual Report.

FREEDOM OF INFORMATION SUMMARY

This information summary is published by the District Council of Cleve in accordance with the requirements of the Freedom of Information Act 1991.

Council welcomes enquiries under the Freedom of Information Act, and will publish an updated information summary every 12 months.

1 Policy and Administrative Documents

The District Council of Cleve's policies and administrative documents are listed separately in this Annual Report, and include:

- | | |
|------------------------------------|--------------------------------|
| - Ordinary Council Meeting Agendas | - Standing Committee Agendas |
| - Standing Committee Minutes | - Budget Statements |
| - Council Bylaws | - Ordinary Council Mtg Minutes |
| - Policy Manual | - Annual Report |
| - Annual Financial Statements | - Assessment Book |
| - Supplementary Development Plan | |

These documents are available for public inspection at the Council office between 9am and 5pm Monday to Friday. Members of the public may also purchase copies of these documents at the prescribed fee, from the Chief Executive Officer or his Deputy.

2 Information Statement

The District Council of Cleve publishes an Information Statement on its requirements under the Freedom of Information Act. The most recent Statement was published in 2004 and a copy is available for inspection or purchase from the Council office.

Freedom of Information enquiries or requests must be addressed to:

The Chief Executive Officer
District Council of Cleve
PO Box 36
CLEVE SA 5640

3 Certificates Issued Under Section 65zy

No Certificates relating to FOI requests were issued under the Freedom of Information Act 1991, in the 12 months to 30 June 2005.

Frank L Gillings
CHIEF EXECUTIVE OFFICER

FREEDOM OF INFORMATION STATEMENT

This Information Statement is published by the District Council of Cleve in accordance with the requirements of the Freedom of Information Act 1991.

Council is pleased to comply with the legislation and welcomes enquiries.

An updated Information Statement will be published at least every 12 months.

1 Structure and Functions of the Council

1.1 Full Council

Full Council consisting of eight Councillors including the Chairperson, is the decision making body on all policy matters. Ordinary meetings of the full Council are held on the second Friday of every month at 9.30am (except public holidays when meetings are held on pre-advertised dates) and members of the public are welcome to attend.

1.2 Standing Committees

Standing Committees have been formed to streamline Council business. These committees meet as deemed necessary and make recommendations to Council. Members of the public are again welcome to attend.

1.3 Agendas and Minutes

Agendas of all full Council and Standing Committees are placed on public display no less than three days prior to those meetings. Minutes are placed on display within five days of that meeting. Copies of minutes are available on Council website.

1.4 Committees

A number of Committees comprising of elected members, staff and the public have been established to investigate and advise on particular issues. Currently they are:

- Arno Bay & District Boat Ramp Committee
- Cleve District Hall Committee
- Cleve & Districts Future Directions Group
- Cleve Community and Sporting Centre Committee
- Arno Bay Harbour Project Team
- Aquaculture Development Advisory Group
- Council Houses & Community Properties Advisory Committee
- Foreshore Advisory Committee
- Tenders Committee
- Waste Management Advisory Committee
- Strategic Planning Committee

1.5 Delegations

The Chief Executive Officer and other officers have the delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in the Policy Manual and are reviewed annually by Council.

In keeping with the legislative requirement:

- to determine policies to be applied by the Council in exercising its discretionary powers;
- to determine the type, range and scope of projects to be undertaken by the Council; and
- to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the resources which are to be made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

2 **Community Services Provided By Council (Fully or Partially)**

Full Council makes decisions on policy issues relating to services that are provided for members of the public. These services currently include:

Roads/Footpaths/Kerbing	Stormwater Drainage
Traffic Control Devices	School Crossings
Cycle Tracks	Street Closures
Public Cemeteries	Street Lighting
Car Parks	Street Sweeping
Street Tree Planting	Litter Bins
Garbage Collection	Public Toilets
War Memorials	Playground Equipment
Public Seating	Boat Ramp/Harbour
Parks and Reserves	Clean Air Controls
Community Hall	Foreshore Facilities
Dog Control	Environmental Health Matters
Recreational/Sporting Facilities	Land Development
Building/Planning	Economic Development
Parking Controls	Septic Tank Effluent Drainage Scheme
Common Antenna Television	Septic Tank Applications
Camping Controls	Beach/Environment Protection
Jetty Maintenance	Tourism Information/Promotion
Citizenship Ceremonies	Aerodrome (licensed)
Development Controls	School/Community Library
Fire Prevention	Risk Management
Health and Safety	Natural Resource Management
Coastal Management	Resource Sharing

3 **Public Participation**

3.1 **Council Meetings**

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

- 1 Deputations - With the permission of the Chairperson through the Chief Executive Officer, a member of the public can address a Committee or the Council personally or on behalf of a group of residents.
- 2 Deputations to Council - With prior notification and arrangement with the Chairperson through the Chief Executive Officer, a member of the public can address the Council on any issue relevant to Council.
- 3 Petitions - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction.
- 4 Written Requests - A member of the public can write to the Council on any Council policy, activity or service.
- 5 Elected Members - Members of the public can contact their Elected Members of Council to discuss any issue relevant to Council.

3.2 **Community Consultation**

The District Council of Cleve consults with local residents on particular issues that affect their area. (Note - below are examples only):

- 1 Residents are notified of significant proposals which may affect them and are invited to comment.
- 2 Meetings of Electors - All residents and electors are eligible to attend meetings to decide leasing arrangements for Council reserves by local community groups.
- 3 Residents are notified of some Development Applications requiring the approval of Council. A number of applications are exempted from public notification by the Development Act. When an application is publicly notified, residents have the opportunity both to write to Council expressing their view of the application and to subsequently personally address the Council before a decision is made.

4 **Access to Council Documents**

4.1 **Documents Available for Inspection**

The following documents are available for public inspection at the Council Office free of charge. Members of the public may purchase copies of these documents at a cost of 50c for the first page and 25c for each printed page thereafter. Many documents are now available on Council's website with more to be progressively included.

Document

- Council Agenda

- Council Minutes (\$25 annual mail subscription)
- Standing Committee Agendas
- Standing Committee Minutes
- The Policy Manual
- The Annual Report
- The Adopted Budget Estimates
- Council Bylaws
- Annual Financial Statements
- Development Plans
- Development Applications Register (Building & Planning)
- Register of Elected Members Allowances and Benefits
- Register of Salaries, Wages and Benefits
- Assessment Book
- Register of Fees and Charges levied by Council

4.1.1 Documents available at the Council Office free of charge include:

- Plans and Maps - Towns, Hundreds, Cemetery etc.
- Tourist Brochures
- Fire Prevention Information
- District Information
- Printed leaflets - Dept. Social Security, Law Society etc.

4.2 Other Information Requests

Requests for other information not included in clause 4.1 above will be considered in accordance with the Freedom of Information Act provisions. Under this legislation, an application fee and a search fee must be forwarded with the completed request form as provided for in Regulation, unless the applicant is granted an exemption.

Should the applicant require copies of any documents inspected pursuant to a Freedom of Information request, the charges set out in the regulations will apply.

Freedom of Information Request Forms should be addressed to;

District Council of Cleve
PO Box 36
CLEVE SA 5640

Forms are available at the Council office.

Applications will be responded to as soon as possible within the statutory 45 days of Council receiving the properly completed Freedom of Information Request Form, together with the application and search fees.

5 Amendment of Council Records

A member of the public may gain access to Council documents to make amendments concerning their personal affairs by making a request under the Local Government Act. A member of the public may then request a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a member of the public must complete a Freedom of Information Request Form as indicated above outlining the records that he/she wishes to inspect.

CLEVE & DISTRICTS FUTURE DIRECTIONS GROUP REPORT

Members as at 9th March 2005

Chairman	Don Smith
Secretary/Treasurer	Pam Chesson
Business Rep	Lyndon Briese
Committee	Warren Elson, Judith Jackson, Dot Briese, Corinne Dennis, Clem Drummond (Lions Club), G Humphries (DC of Cleve Rep.)

Meetings are open to the public and are held in the Council Chambers on the second Wednesday of each month, commencing at 8pm. Confidentiality provisions during Committee meetings are very rarely if ever used.

Future Groups Initiatives

- 30 volunteers worked at the Eyre Peninsula Field Days gate selling tickets/car park attendants raised in excess of \$1600.00.
- Shared a site at Eyre Peninsula Field Days with Council, displaying and promoting local tourist attractions on pin up boards and brochures, showed the EP promotional video.
- Circulated a 125 year Cleve Celebration book for signing.
- Helping to renew the mural on the Newsagency wall.
- Continued the 'Pat on the Back' and 'Garden of the Month'. New KESAB Garden Award – merit plaque for Arno Bay.
- Ticklebelly Hill paver project continued.
- Trimming of 80 pine trees on the Cowell road, town entrances with 20 volunteers assistance. Removed box thorns at the same time.
- Attended EP Outback Nature Trail launch at Tcharkulda Rock – 5 kms north of Minnipa.
- Compiled local Tourism report in consultation with businesses in Arno Bay & Cleve.
- Subscribed to be a marketing partner with Tourism Eyre Peninsula to monitor tourism on Eyre Peninsula.
- Had various speakers at our meetings.
- Organised Christmas Pageant with 27 floats. Raised over \$1000 to fund childrens presents on Christmas Eve from Christmas stocking ticket sales.
- Held New Years Eve family party at Cleve Sporting Bodies with a good crowd attending.
- Year 10 students from Cleve Area School made up draft brochures for a Heritage walk around Cleve.
- Attended Tourism Eyre Peninsula meeting at Clean Seas, Arno Bay. Corrine Dennis made a presentation to the meeting and handed out a package of local tourist brochures promoting the district to all attending.
- Committee member Dot Briese attended the KESAB awards in Adelaide with John Nolan. Cleve was named in the top 10 towns and other awards were given. Arno Bay received 10 awards in various categories.
- Working with YAC on the town entrance sculpture.

Future Initiatives

- Lighting Skate Board park.
- Birdseye Highway signage.
- Relocate Business sign from Arno Bay to a possible new site on Cowell Road.
- Priority to establish RSL Hall for Heritage group.
- Banner poles in street plantations.
- Banners to use for other times than Christmas.
- Repaint and update wagon wheels at town entrance signs.
- Planning Solar Cycle Challenge, Cleve stopover with Cleve Area School.
- Planning to have car bash (rally) call through Cleve.
- Repaint Ticklebelly Hill cross.
- Establish a gazebo/lookout Ticklebelly Hill.

- Maintenance of town bench seats.

Conclusion

We are very pleased with Council's decision to finance and lay PA cables with the underground power in the main street. The re-roofing of the RSL Hall has also been completed.

Council's decision to replace Project Officer, Janet Shepherd by employing Pam Chesson has been a bonus to our group and I am sure for the District in general. This will assist our group to continue forward for a positive future.

Don Smith

C&DFDG CHAIRMAN

ARNO BAY & DISTRICTS BOAT RAMP COMMITTEE REPORT

Members as at 27th January 2005

President	Neil Wickstein
Vice-President	George Noble
Secretary/Treasurer	Lyn Wickstein
Committee Members	Hayden O'Brien, Fred Wake, Justin Bammann, Don Hauschild (DC of Cleve Rep)

Meetings are held at N & L Wickstein's House or the Arno Bay Yacht Club on an as needed basis, the public is welcome to attend. Confidentiality provisions during Committee meetings are very rarely if ever used.

Highlights of the activities for 04/05 of the Committee

This year was one of waiting for Ellenpark to complete their part of the Harbour Development, a much longer time span than was planned by the District Council of Cleve, Boat Ramp Committee and the general public. As a consequence many planned works had to be held over to a later date for completion.

In February 2004 twelve big tyres were placed for the tyre wall extension and filled with rock in readiness for stage 2 of the tyre wall.

The pile was driven in by Maritime Construction for a small fee and the second pontoon was positioned. This has made for a more stable situation and longer pontoons.

The Boat Ramp Committee was contracted to build additional sheep yards in Cleve. This assisted with gaining funds for the recreational boat ramp area.

In July 2004 the Committee, assisted by the District Council of Cleve, submitted a grant application for funding for the 2nd stage of the tyre wall to the total value of \$25,005. We were advised that a decision would be given in October 2004 if we were successful. This date was postponed to December 2004. Advice was received on 21st March 2005 that we were successful with a grant of \$12,500.

Two floats became dislodged from beneath the old pontoon, with one being found in the Harbour, the other located at Corny Point on Yorke Peninsula. On advertising this loss on the ABC radio, it was located by Monty Barclay, a Corny Point resident, and retrieved. Minlaton Engineers returned it to us during the Cleve Field Days. A donation was given to the Corny Point CFS in appreciation for their efforts.

The pontoon has recently been removed, with assistance from Clean Seas (crane and boat usage) and the six floats fastened with stainless steel straps to prevent anymore "escapes".

Rollers have also been installed on the end pontoon, on the seaward end, to make both pontoons stable. A new aluminium flap, joining both pontoons, has been installed to make it more user friendly.

The undermining of the slipway ends has been rectified by the District Council of Cleve, with rocks as filling and capped with cement to stabilise this area.

Safety Panels – An investigation has been made and prices obtained from Smorgon Steel. Redwings Engineering have been contacted re the construction of same. The total cost is \$1,469.28. Two of the panels were installed on the 16th May 2005 and many positive comments have been received. Two more are to be installed shortly. This makes it much safer when alighting from boats.

From January 2004 to January 2005 some 25,095 cans/bottles, with a value of \$1,254 were collected. It is to be

District Council of Cleve
Annual Report 2004/2005

noted, since December 2000, a total of 99,089 returnable cans/bottles have been donated to the Boat Ramp Committee, to assist with improvements to our facilities.

With suitable tides available on November 2nd, 3rd and 4th 2005, it is planned to complete stage 2 of the tyre wall.

On completion of the 2nd stage of the tyre wall, I suggest we recommend to Council, a launching fee be charged.

Many volunteers from Arno Bay, Kimba, Darke Peak and Cleve have assisted in the last twelve months with projects at the recreational bot area, to all I give my thanks for their time and efforts.

Thanks also given to the District Council of Cleve for their assistance during the year.

R.N. Wickstein
PRESIDENT

CLEVE DISTRICT HALL MANAGEMENT COMMITTEE REPORT

Members as at 14th October 2004

President	P Dubois
Vice President	E Weiss
Secretary	B Shearer
Committee	C Jacobs, D Briese, R Elson, G Humphries, R Shearer

Meetings are held in the Hall Supper Room every second month, the Annual General Meeting is open for public attendance. Confidentiality provisions during Committee meetings are very rarely if ever used.

We have had a successful year with 137 bookings, including weekly dance and art groups.

The Hall has been hired by many groups as follows:

- Breeze Dance Studio
- Church Groups
- Debutante Balls Netball Club
- Football & Netball Club
- Weddings
- Art Exhibition
- Cleve District Children's Centre
- Regional CWA Conference
- Cleve Art Group
- Country Arts SA
- Senior Citizens
- Mini Deb Ball Novita
- Cleve Area School
- Barbara Shearer Community Concert
- Photography Studio
- Rehearsals for Balls & Concerts
- Movies x 5 (Cleve Hall & Pony Club)

Small maintenance jobs continue to be done by Bob Shearer (Committee Member) and cleaning of premises very satisfactorily by Coral Jacobs.

Attendance at movies continue to be a concern, however we made a small profit over the twelve months and this is a great service to the younger members of our community who enjoy going out of a Saturday night. We have tried movies to suit mature ages, however these are not successfully patronised so we continue with the PG and G ratings which bring the young ones and their parents.

We applied for a Grant for a new fridge for the bar area, however this was not successful so we purchased a suitable fridge at a cost of \$2,500.00 with funds from our Reserve Fund. This item has been very popular with groups needing this facility.

Cleve Hotel raffle tickets have given us a small income, with Pete Dubois organising these raffles. We were allocated two nights and another four nights in October 2005.

Our financial position appears to be good with an income to June 2005 of \$7,193.12, generated by hall hire and movie and raffle fundraising.

There has been a lot of hall maintenance and upgrading to the building carried out by the District Council of Cleve, including extensive termite control, laminating of front glass doors and general building maintenance.

The Committee members have worked well together and we look forward to a successful 2005/2006.

Barb Shearer
SECRETARY

CLEVE COMMUNITY AND SPORTING CENTRE COMMITTEE REPORT

Members as at 30th June 2005

Chairman	G Cook
Deputy Chairman	M Bammann
Secretary	K Gale
Treasurer	K Richardson
Committee	A Jenner, D Smith, J Turner, L Deakin, C Jacobs, A Whitehead

The Cleve Community and Sporting Centre Committee was set up to investigate the possibility of integrating sporting and recreational clubs that operate in the Cleve area into a single entity with a shared facility.

This Committee was formed from volunteers and representatives of local sporting and service clubs after a forum held at the Cleve Golf Club identified the need for a single multi function sporting/community complex. The major concerns that prompted this move included;

- Duplication of costs involved in maintaining grounds, buildings, etc.
- Shrinking volunteer base at various clubs.
- Increasing costs re: insurance, licensing fees, etc.
- The age and state of existing facilities in the township.

The Committee has engaged consultants to prepare basic floor plan proposals, to facilitate preliminary public consultation. Funding applications for the further development of more detailed plans and specifications are pending.

The Committee initially preferred the Cleve Showgrounds as the development site, however following discussion and deliberation and comments from consultants, it was decided to pursue the second option at the Cleve Sporting Bodies grounds due to the lower cost of this proposal.

Greg Cook
CHAIRMAN

LIST OF REGISTERS, POLICIES & CODES OF PRACTICE

That are required to be kept under the Local Government Act 1999, and the Local Government (Elections) Act 1999.

- Public Consultation Policy
- Competitive Tendering, Contracting Out of Services, Purchasing & Sale and Disposal of Land and other Assets Policy
- Rating Policy
- Internal Review of Council Decisions Code of Practice
- Volunteer Policy
- Code of Conduct for Employees and Elected Members
- Internal Control Procedures
- Record of Council Delegations/Authorisations
- Building Inspection Policy
- Development Applications Register
- Register of Elected Members Allowances and Benefits
- Register of Salaries, Wages and Benefits
- Assessment Book
- Register of Fees and Charges levied by Council
- Register of Elected Member and Officer Returns
- Grievance Procedure (Elections)
- Sexual Harassment Policy
- Code for Access to Council Meetings and Documents
- Register of Public Roads
- Strategic Management Plan
- Register of Community Land
- Management Plans for Community Land
- Various other Council Policies included in the Policy Manual

DISTRICT COUNCIL OF CLEVE – RATING POLICY 11/06/04

INTRODUCTION

This document sets out the policy of the District Council of Cleve for setting and collecting rates from its community. The policy covers:

1. method used to value land
2. adoption of valuations
3. business impact
4. Council's revenue raising powers
5. differential general rates
6. minimum rate
7. separate rates
8. service rates and/or charges
9. rate concessions
10. state seniors card ratepayer (self funded retiree)
11. pensioner concession
12. other concessions
13. payment of rates
14. late payment of rates
15. remission and postponement of rates
16. rebate of rates
17. recovery procedure for outstanding rates
18. sale of land for non-payment of rates
19. disclaimer

Appendix 1 Summary of Legal position relating to the setting and collection of rates.

Appendix 2 Principles of Taxation

STRATEGIC FOCUS

In setting its rates for the 2004/2005 financial year the Council has considered the following:

- its current strategic management objectives
- the current economic climate
- the specific issues faced by our community including low population and large geographical area causing high costs per capita in provision & maintenance of infrastructure
- the budget for the 2004/05 financial year and the five year works program
- the impact of rates on the community including the distribution of rates burden in relation to cost of services provided
- the impact of rates on businesses (including primary production)
- the Council's policy on issues of equity arising from circumstances where ratepayers provide or maintain infrastructure that might otherwise be undertaken by Council
- as may be relevant, the Council's consideration of issues of consistency and comparability in the imposition of rates on sectors of the community
- community feedback
- valuation changes

ANNUAL ADOPTION OF THE POLICY

Section 171 of the Local Government Act requires a Council to prepare and adopt each year, in conjunction with setting the rates, a rates policy. The policy must be available at the principal office of the Council and a summary version must be distributed with the rates notice.

This policy is available for inspection at the Council office.

1) METHOD USED TO VALUE LAND

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

- *Capital Value* – the value of the land and all 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.

The Council has decided to continue to use site value as the basis for valuing land within the Council area. The Council considers that this method of valuing land provides a fair method of distributing the rate burden across all ratepayers on the following basis:

- The nature of land holdings in the district, and
- The mix of land uses in the district

2) ADOPTION OF VALUATIONS

A Council may employ or engage a valuer to value the land in the area or it may use the valuations provided by the Valuer General, or it may use a combination of both subject to certain restrictions. The Valuer General is a statutory officer appointed by the Governor.

The Council has adopted the valuations made by the Valuer-General and provided to the Council as at the 1st June 2004. If a ratepayer is dissatisfied with the valuation made by the Valuer-General then the ratepayer may object to the Valuer-General in writing, within 60 days of receiving the 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. The address of the office of the Valuer-General is 101 Grenfell St, Adelaide. Please note that 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 dates for the payment of rates.

Notional Values

Certain properties may be eligible for a notional value, where the property is the principal place of residence of a ratepayer, under the Valuation of Land Act 1971. This relates to some primary production land or where there is State heritage recognition. Further information is contained in Appendix 1.

3) BUSINESS IMPACT

The Council has considered the impact of rates on businesses in the Council area, including primary production. In considering the impact, Council assessed the following matters:

- The equity of the distribution of the rate burden between classes of ratepayers. Council has declared lower rates in the dollar in different areas such as rural land outside of townships to more evenly share the impact of rates in relation to the cost of services provided to the different areas and classes of ratepayers. Businesses in townships pay the same rate in the dollar as all other property classes in the same rating area.

District Council of Cleve

Annual Report 2004/2005

- Council's policy on facilitating local economic development – rate concessions and other incentives are available for new business development which creates additional permanent employment.
- current local, state and national economic conditions and expected changes during the next financial year
- changes in the valuation of properties from the previous financial year
- specific Council projects for the coming year that will solely or principally benefit businesses and primary producers
- specific infrastructure maintenance issues that will solely or principally benefit businesses and primary producers eg; rural roads

4) COUNCIL'S REVENUE RAISING POWERS

All land within a Council area, except for land specifically exempt (e.g. crown land, Council occupied land and other land prescribed in the Local Government Act – refer Appendix 1 and Section 147 of the Act), is rateable. 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 properties, or through differential general rates, which apply to classes of properties. In addition, Council can raise separate rates, for specific areas of the Council or service rates 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 Council office.

5) DIFFERENTIAL GENERAL RATES

At its meeting of 11th June 2004, the Council has decided to raise differential general rates as follows:

	Cent Rate in \$	Revenue \$
Arno Bay – Town	2.3485	67124.21
Arno Bay – Coastal Zone	0.8065	44331.19
Cleve – Town	3.1394	225185.23
Cleve – Rural Living/Fringe Zone	2.1709	25891.67
Other Towns – Rudall, Darke Peak, etc.	50.0000	15355.00
Outside Towns – Rural	0.7824	970751.21
Special Industry Zone (SACBH Silos)	29.5110	31576.77

The Council believes that differential rates are necessary for reasons of equity, benefit and ability to pay given the nature, mix and significant site valuation variations of land between the different rating areas as listed above.

6) MINIMUM RATE

A Council may impose a minimum amount payable by way of rates, provided that it has not imposed a fixed charge. Where two or more adjoining properties have the same owner and are occupied by the same occupier, only one minimum rate is payable by the ratepayer. Where a Council imposes a minimum rate it must not apply to more than 35% of properties in the Council area.

The Council has decided to impose a minimum rate of \$295.00. Council has set a minimum rate in accordance with the benefit principle that each ratepayer makes a fair minimum contribution towards the fixed costs of providing services.

The minimum rate will affect 133 properties, being 9.9% of total rateable properties in the district.

7) SEPARATE RATES

The Council is undertaking a project on behalf of a group of shackowners to assist with the capital cost of freeholding of their shacks at Arno Bay. Some shackowners have agreed to fund their share of the project up front while some nine owners have asked Council to finance their share up front to be repaid by them over 10 years. Council has declared a separate rate on the affected properties this financial year, being the fifth of ten similar annual instalments. (An annual service charge also applies to maintain a sewage disposal and treatment system³²

installed for the benefit of those properties under the freeholding process. Refer to service charges section). The amount of \$14,130 will be raised this year through a rate of 2.2429 cents in the dollar on the site value of the nine properties affected. The revenue raised from this rate can only be applied to the project.

8) SERVICE RATES AND CHARGES

The Council provides specific services for the benefit of specific properties for which specific service rates and/or annual charges are levied. Where a service that is subject to a service charge is available to non-rateable land, a service charge is levied against that land.

Service rates and/or charges may be raised to cover the cost of establishing, operating, maintaining, improving and replacing such services. Funds raised must not be utilised for any other purpose and any surplus service rates or charges must be set aside for future replacement of the assets employed in providing the service.

The Council has declared the following service rates and/or charges for the year 2004/05, applicable to properties only which directly benefit from such services.

	Rate	Charge	GST	TOTAL	Revenue
S.T.E.D. Scheme – Cleve	-	\$150.00	-	\$150.00	\$68,400.00
C.A.T.V. Service – Cleve	-	\$ 63.64	\$6.36	\$ 70.00	\$ 3,010.00
Sewage disposal & treatment system (part shack area Arno Bay)	-	\$150.00	-	\$150.00	\$ 3,750.00

The Council has decided to raise the above revenue because of:

- the number and the group of rateable and non-rateable properties receiving the service;
- a service charge can be levied against non-rateable land, but a service rate can not;
- the equity, benefit and ability-to-pay principles of taxation;
- the concept of user pays and any mitigating factors;
- the nature of the service;
- the cost to operate and maintain the service;
- the capital costs to establish the service;
- the costs to improve or replace the service;
- level of usage of the service;
- recognition that the value of a property is likely to be enhanced by the availability of the service, whether or not the service is actually being used.

9) RATE CONCESSIONS

The State Government, in providing equity across SA in this area, funds a range of concessions on Council rates. The concessions are administered by various State Agencies who determine eligibility and pay the concession directly to Council on behalf of the ratepayer. Concessions are available only on the principal place of residence.

Ratepayers who believe they are entitled to a concession should not withhold payment of rates pending assessment of an application by the State Government as penalties apply to overdue rates. A refund will be paid to an eligible person if Council is advised that a concession applies and the rates have already been paid.

10) STATE SENIORS CARD RATEPAYER (SELF FUNDED RETIREE)

This is a relatively new concession that has been available from 1 July 2001 and is administered by Revenue SA. If you are a self-funded retiree and currently hold a State Seniors Card you may be eligible for a concession toward Council Rates. In the case of couples, both must qualify, or if only one holds a State Senior's Card, the other must not be in paid employment for more than 20 hours per week. If you have not received a concession on your rates notice or would like further information please contact the Revenue SA Call Centre on 1300 366 150.

11) PENSIONER CONCESSION

Eligible pensioners must hold a Pension Card, State Concession Card or a Repatriation Health Card marked TPI Gold, EDA Gold or War Widow and may be entitled to a concession on Council rates (and water and effluent charges where applicable). Application forms, which include information on the concessions, are available from the Council, SA Water Corporation and its District Offices or the Department of Human Services. This concession is administered by SA Water on behalf of the Department of Human Services and further information can be obtained by telephoning SA Water.

12) OTHER CONCESSIONS

The Department of Family and Youth Services administers Council rate concessions available to a range of eligible persons receiving State and Commonwealth allowances. This includes, but is not limited to, ratepayers who are in receipt of: Austudy, Newstart, Parenting Payment, Partner Allowance, Sickness Allowance, Special Benefit, Widow Allowance, Youth Allowance, Abstudy, CDEP or a New Enterprise Initiative Scheme. It may also apply to ratepayers in receipt of a pension as a war widow under legislation of the United Kingdom or New Zealand and the holders of a State Concession Card issued by Family and Youth Services. All enquiries should be directed to your nearest branch office of Family and Youth Services.

13) PAYMENT OF RATES

From the 2001/2002 financial year, Council has been obligated to offer all ratepayers the opportunity to pay rates in four (4) instalments.

Considering the above, the Council has again decided that the payment of rates will be in four instalments due by no later than 5pm on the 15th day of September, December, March and June. Rate instalment notices will be forwarded at least 30 days prior to the due date.

Rates may be paid in advance at any time.

As an incentive for early payment, a 2% discount will apply on the full payment of annual Council rates, if paid by the 15th September 2004.

Rates may be paid:

By Direct Credit:

Bank SA

District Council of Cleve – District Fund Account

105 080 025257040

By Visa, Bankcard or Mastercard by visiting councils website, www.cleve.sa.gov.au, and clicking e payments.

Credit cards are not accepted over the phone at the Council office.

In person at the Council offices at:

10 Main St, Cleve between 9.00am – 5.00pm. Payments can be made by either cash or cheque.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment arrangements is invited to contact Frank Gillings, Brenton Parsons or Peter Arnold to discuss alternative payment arrangements. Such inquiries are treated confidentially by the Council.

14) LATE PAYMENT OF RATES

The Local Government Act provides that Councils impose a penalty of 2% on any payment for rates, whether instalment or otherwise, that is received late. A payment that continues to be late is then charged an interest rate, set each year according to a formula in the Act, for each month it continues to be late. 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.

After the payment date has expired any ratepayer who has had late payment penalties applied and is aggrieved by such imposition must apply in writing to the Council stating their reasons if they seek remission of the penalties. When the Council receives a payment in respect of overdue rates the Council applies the money received as follows:

- first – to satisfy any costs awarded in connection with court proceedings;
- second – to satisfy any interest costs;
- third – in payment of any fines imposed;
- fourth – in payment of rates, in date order of their imposition (starting with the oldest account first).

15) 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 initially contact Frank Gillings, Brenton Parsons or Peter Arnold to discuss the matter. Such inquiries are treated confidentially by the Council.

The Council has adopted the following policy with regard to the remission or postponement of rates:

- Remission of late payment penalties – application must be made in writing to the Council giving genuine reasons for late payment
- Remission of rates due to hardship – application must be made in writing outlining the circumstances of hardship and must be accompanied by a supporting letter from a bank manager or rural counsellor familiar with the applicants circumstances
- Postponement of rates – may be arranged direct through the Chief Executive Officer for periods less than three months. For postponement over 3 months in length written application must be made to Council. In all cases of postponement the late payment penalties will still apply unless specifically remitted by Council upon written application as outlined above.

16) REBATE OF RATES

The Local Government Act requires Councils to rebate some or all of the rates payable on some land. (Chapter 10 Division 5). This includes rebates on land used predominantly for such things as health, community services, religion, cemeteries, education etc.

Any person or body eligible for a rebate may apply to the Council in writing providing as much information as possible to substantiate the grounds for a rebate in accordance with the Act. Full information on the rates rebates section of the Act is available by contacting Frank Gillings, Brenton Parsons or Peter Arnold.

17) RECOVERY PROCEDURE FOR OUTSTANDING RATES

In all instances where a ratepayer has difficulty in meeting payment of rates or charges by the due date, Council strongly recommends and encourages ratepayers to contact relevant senior staff and/or write to Council to make alternative payment arrangements. When this is done (as outlined above) legal proceedings can be avoided.

Where no contact has been received from a ratepayer or agreed alternative arrangements have been ignored the following procedure will be implemented.

1. Within 7 days of rates or charges first becoming in arrears a NOTICE OF FINE imposing the statutory fine of 2% will be issued.
2. Within 7 days of these charges incurring a further fine (1 month later), a further NOTICE OF FINE imposing the statutory fine pursuant to the provisions of the Local Government Act be issued.
3. Within a further 7 days Council will write a FINAL WARNING LETTER advising that legal proceedings to collect the debt will be commenced after 14 days, except in cases where Council or the Chief Executive Officer has approved alternative payment arrangements.
4. Upon the expiration of the prescribed time of the FINAL WARNING LETTER that Council issue summons in the Local Court for the collection of the debt pursuant to the Local Government Act, or authorise an approved debt collection agency to initiate the appropriate action.

18) SALE OF LAND FOR NON-PAYMENT OF RATES

The Local Government Act provides that a Council may sell any property 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) with details of the outstanding amounts and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

The District Council of Cleve only considers such action as a last resort if more acceptable solutions are not available.

19) DISCLAIMER

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.

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 Frank Gillings, Brenton Parsons or Peter Arnold to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to the Chief Executive Officer, Frank Gillings, PO Box 36, CLEVE SA 5640, who will refer the matter to a meeting of the Council.

SUMMARY OF LEGAL POSITION RELATING TO THE SETTING AND COLLECTION OF RATES

LOCAL GOVERNMENT ACT 1999

A Council may impose general rates, separate rates, service rates and service charges on land in its area (Section 146). Generally, all land within a Council area is rateable unless it is specifically exempted by Section 147 of the Act. Such exemptions include crown land, churches, cemeteries, land used for public educational purposes and Council occupied land. A Council must adopt a rating policy each year which sets out the broad policy framework within which the Council rates its area (Section 171). A summary of the policy must accompany the rates notice.

A rate is to be based on the value of the land multiplied by a 'rate in the dollar' set each year by Council. The basis of valuation is to be capital value, site value or annual value (Section 151). Land must be valued by either the Valuer-General or a valuer engaged or employed by the Council (Section 167). Objections may be lodged against a valuation made by a valuer engaged or employed by the Council (Section 169) or by the Valuer-General (Valuation of Land Act). Differential general rates can be declared for land according to the location or the specific use (e.g. residential) of the land.

As part of the general rate a fixed charge may apply which means that the same amount is payable irrespective of the value, use or location of the property. The fixed charge may only be imposed against the whole of an allotment and only one fixed charge may be imposed against two or more pieces of contiguous land owned by the same owner and occupied by the same occupier or a single farm enterprise (Sections 148 and 152).

A Council may fix a minimum amount payable by way of rates or it may alter the amount to be paid by properties within a specific range of values, but may not do so if it has imposed a fixed charge. The minimum rate may only be imposed against the whole of an allotment (which can include land under a separate lease or licence) and only one minimum rate is payable by two or more pieces of contiguous land owned by the same owner and occupied by the same occupier. The minimum rate must not be applied to supported accommodation or independent living units within the same group or complex of units. The minimum rate and altered rates must not apply to more than 35% of the properties in a Council area. (Section 158)

A Council may declare either a general rate or differential general rates based on the use of the land, the locality of the land, the locality and the use of the land or (where particular circumstances apply) some other basis determined by the Council (Sections 153 & 156). A Council may declare a separate rate (or differential separate rates) on rateable land where a specific project is being undertaken to benefit the land or the occupiers of the land, which can be only a portion of the land in a Council area (Section 154). A Council may impose service rates and charges against land for any prescribed service it provides or makes available to the land. A service charge is also payable in relation to non-rateable land. Prescribed services are water supply and the collection, treatment or disposal of waste (Section 155).

Rates are a charge against the land (Section 177). The owner of the land (unless the Council is advised otherwise) is the principal ratepayer and rates may be recovered as a debt against the principal ratepayer. In certain cases the occupier of the land may be classed as the principal ratepayer.

A Council may require rates to be paid in either a single, two or four instalments and a Council may grant discounts or incentives to encourage early or prompt payment of rates. From the financial year 2001/2002 a Council must offer all ratepayers the opportunity to pay rates in four quarterly instalments. A Council may also make arrangements with ratepayers for other instalment provisions to apply (Section 181). If an instalment of rates is not paid by the due date then the Act provides for a Council to impose a fine of 2% on the unpaid instalment and, if the instalment continues to be unpaid, to charge a prescribed interest rate (set each year by a formula in the Act) on the unpaid instalment, on a monthly basis. The Council may remit such penalties in whole or in part (Section 181). Where rates become unpaid for a period of more than three years a Council may sell the land to recover the unpaid rates (Section 184).

A Council may remit or postpone the payment of rates, on the application of the ratepayer, if the payment of the rates would impose hardship on the ratepayer (Section 182).

A Council must rebate the payment of rates for land used for various purposes – health services, community services, religious purposes, public cemeteries, the Royal Zoological Society, educational institutions – as provided in Sections 159 to 165 of the Act. A Council may also provide discretionary rebates on the payment of rates (up to 100% of the rate for a period of up to ten years) on land used for a range of purposes, including for securing the proper development of the land; for the preservation of buildings or places of historic interest; for the provision of facilities or services for children or young persons and for the provision of accommodation for the aged or disabled (Section 166).

Note: The Local Government Act 1999 is available for inspection, free of charge at the Council office.

VALUATION OF LAND ACT

Under Section 22A there are various qualifications laid down in relation to the provision of a ‘notional value’ for various properties. For example, where land is used for primary production and its value is enhanced by its potential for subdivision a valuing authority may value the land at its ‘notional value’, that is, as if the potential for subdivision did not exist. Where land forms part of the State heritage it may also be valued disregarding any potential for other use (Section 22B). Any owner that believes that they are entitled to a ‘notional value’ must apply in writing to the Office of the Valuer General.

A person may object to a valuation of the Valuer General by notice in writing, setting out the reasons for the objections, and the Valuer General must consider the objection. If the person then remains dissatisfied with the valuation, the person has a right to a review. Applications must be made within 21 days of receipt of the notice of the decision (in relation to the objection) from the Valuer General. A payment of the prescribed fee for the review to be undertaken together with the review application must be lodged in the Office of the Valuer General, who will then refer the matter to an independent Valuer. If the person remains dissatisfied with the valuation then they have a right of appeal to the Land and Valuation Court (Section 24, 25A, 25B & 25C).

TAXATION AND LOCAL GOVERNMENT

PRINCIPLES OF TAXATION

There are a number of principles that apply to the imposition of taxes on communities. These principles are, to some extent, in conflict with each other and governments must balance the application of the principles, the policy objectives of taxation, the need to raise revenue through tax and the effects of the tax on the community.

The Principles are – *equity, benefit, ability-to-pay, efficiency and simplicity.*

Equity – the concept that a tax will be fair, that is that each taxpayer will be fairly taxed relative to other taxpayers. There are two dimensions to the concept of equity. *Horizontal equity* – taxpayers with the same income, circumstances and wealth will be taxed the same. *Vertical equity* – taxpayers with greater income and wealth will pay more than taxpayers with less income and wealth. In local government the value of a ratepayers property is used as a proxy for income and wealth, but the ratepayers circumstances are generally not taken into account, with the possible exception of pensioner concessions. Rates are levied on an *ad valorem* basis, that is pro rata to the value of the property, and this is generally accepted to meet the *equity* principle. The valuation methodology used can distort the application of this principle and a criticism of the site value method of property valuation is that it does not provide a good proxy for ‘wealth’ as it only measures the value of the land and not the value of the capital improvements – thus a modest dwelling on a large block will pay more in rates than a mansion on a small block. The incidence of urban consolidation practices – courtyard homes on small blocks and similar practices – will further exacerbate the problems of using site value as a proxy for income and wealth.

In the local government context, the application of the *equity* principle would suggest that the tax rate (rate in the dollar) would be the same for all ratepayers in the municipal area, unless some compelling application of the other taxation principles applied to change the incidence of the tax (e.g. different service levels in different parts of the municipal area, rebates/remissions on social justice grounds). For instance, where part of an urban area did not have the same level of kerbing, guttering and stormwater drainage as the rest of the municipal area an assessment could be made of the disability suffered by those ratepayers and a differential rate struck.

The *benefit principle* is based in the concept that ‘he who pays benefits, he who benefits pays’. Of course, the application of principles of *equity* and social justice act to dilute the pure application of such a principle and the *benefit principle* acts to constrain the concept of *vertical equity* through the application of minimum rates charges so that each ratepayer makes a contribution towards the fixed costs of providing services in a municipal area. Benefits are consumed by ratepayers in differing quantities over their lives in a municipal area. Young families may use more of the services provided by the council than couples whose children have grown up and left home. In the same way, elderly ratepayers may use more facilities than middle-aged couples. The nature of service consumption is cyclic in nature and taking a snapshot of current service consumption is not a good guide to the average benefits received by ratepayers.

The most important application of the *benefit principle* is in the area of user charges. The present trend is for governments to reduce their reliance on general tax levels to finance their activities and to replace general tax revenue with specific charges for specific goods or services.

The *ability-to-pay* approach is grounded on the concept that there is only a certain amount of income that taxpayers can be expected to sacrifice (afford to pay) and that government should minimise the impact of taxation on individuals. This has developed further in two ways. The concept of *ability-to-pay* has led to the development of progressive tax systems where higher earners pay more tax, although in the case of local government taxes the proportion of income used to pay rates by higher income earners due to the *ad valorem* (non-stepped) nature of council rates. The low impact of council rates as an income sacrifice is used as an argument to keep rates as a simple tax system. Second, like the *benefit principle*, there is a recognition of the cyclic nature of income. Low incomes for younger ratepayers, growing as income earning potential increases, with a return to lower incomes later in life.

The nature of rates as a property tax give rise to the consideration of how temporary 'incapacity-to-pay' should be dealt with. As rates are a charge against the property a number of councils have adopted deferment options rather than remission options. The administrative implications of such decisions should be assessed in the decision-making process.

Efficiency of a tax relates to the effect of the tax on the economic behaviour of those on whom the tax is imposed. If the reason for a tax being imposed is to change consumers behaviour (e.g. tobacco taxes) and the consumers' behaviour changes (reduced cigarette consumption) then the tax is efficient. If the tax is being imposed to raise revenue, without changing consumers or taxpayers economic behaviour – tax neutrality – then if consumers' behaviour changes and more or less of a product subject to tax is consumed the tax is inefficient.

Local government rates are generally considered to be efficient in that the incidence of the tax is known and does not change markedly from year to year, with the incidence of the tax being built into property values. Some distortions to the *efficiency* of the tax can occur with sudden or unexpected movements in property values. This is particularly the case where a 'spike' occurs in valuation levels – i.e. an abnormal rise or fall in property values for certain types of properties – and the 'spike' occurs as properties are being revalued. The 'spike' needs to be contrasted with the cyclic nature of economic activity. It is normal for the relativities between values of different types of properties to vary because of economic conditions at particular times. In general, when viewed over a longer time frame, the relativities are maintained, unless there is some fundamental change in their nature – e.g. the redevelopment of a depressed residential area into one of greater economic value.

Simplicity of a tax relates to its understandability and the ease of collection. Complexity of tax systems, with provisions for 'special cases' give rise to loopholes, uncertainty of application, uncertainty of collection, and significant costs in enforcement, both for taxing authorities and taxpayers. Local government rates are simple in the main because they are easy to understand, levied on a regular and consistent basis, collected at specific intervals and hard to avoid. Local government taxes have the criteria of certainty and transparency – rates are unavoidable in their application and the details of the decision made by a council are available to ratepayers.

FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2005