

South Australia

# **Local Government (Rates) Amendment Act 2013**

An Act to amend the *Local Government Act 1999*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Local Government (Rates) Amendment Act 2013*.

### **2—Amendment provisions**

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

## **Part 2—Amendment of *Local Government Act 1999***

### **3—Amendment of section 152—General rates**

- (1)    Section 152(2)(ba)—after subparagraph (ii) insert:
  - or
  - (iii) each marina berth within a marina;
- (2)    Section 152—after subsection (5) insert:
  - (6)    In this section—  
**marina** means a facility comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide berths, moorings or dry storage for vessels;

***marina berth*** means a piece of rateable land within a marina—

- (a) used for the berthing or mooring of a vessel; or
- (b) used for the dry storage of a vessel (commonly known as a hard stand).

#### **4—Amendment of section 156—Basis of differential rates**

(1) Section 156—after subsection (4) insert:

- (4a) Despite subsection (4) but subject to subsection (5a), the use of land as a marina berth is declared to be a permissible differentiating factor for the purposes of this section.

(2) Section 156—after subsection (5) insert:

- (5a) Despite any other provision of this Act, the use of land as a marina berth cannot be used for the purpose of the declaration of differential rates that exceed the rate that would have been imposed were the land being used for commercial purposes.

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

(16) In this section—

***commercial purposes***—land is to be used for a commercial purpose if the land is to be used for—

- (a) a shop (within the meaning of the *Development Regulations 2008*); or
- (b) an office (within the meaning of the *Development Regulations 2008*); or
- (c) any other commercial use of land not referred to in the categories specified in paragraph (a) or (b).

#### **5—Amendment of section 158—Minimum rates and special adjustments for specified values**

Section 158—after subsection (1) insert:

- (1a) Subsection (1) does not apply to, or in relation to, rateable land consisting of a marina or marina berth (within the meaning of section 152).