

# Fact Sheet:

## Proposed Introduction of Separate Rate – Post Office Lane, Norwood

Local Government Act 1999, Section 151(5)(d)

### Overview

The City of Norwood Payneham & St Peters is undertaking consultation on the proposed introduction of a Separate Rate for the properties immediately adjacent to the Public Road known as Post Office Lane, Norwood.

The Separate Rate is for the purpose of recovering the costs of converting Post Office Lane, which was previously a Private Laneway, to Public Road, in accordance with the Council's *Private Laneways Policy & Procedure* and Section 210 of the *Local Government Act 1999* (the Act).

The Separate Rate is proposed to be a fixed charge, to be determined by sharing the costs of converting the Laneway to Public Road equally between the adjacent properties. The Council proposes to declare the Separate Rate on 1 July 2020 for a period of one (1) year, with the Separate Rate to be payable in four (4) equal instalments across the year.

This Fact Sheet provides information about how the Separate Rate will work, to assist interested persons who wish to make comment on the proposal.

### What is a Separate Rate?

Councils in South Australia may declare a Separate Rate on a particular and specifically defined part of the Council area. Revenue raised from a Separate Rate must then be used expressly for the benefit of the area from which it is raised and for the property owners who pay the Separate Rate.

Under Section 154 of the Act, "a council may declare a separate rate on rateable land within a part of the area of the council for the purpose of planning, carrying out, making available, supporting, maintaining or improving an activity that is, or is intended to be, of particular benefit to the land, or the occupiers of the land, within that part of the area, or to visitors to that part of the area".

A Separate Rate is in addition to the General Council Rate which is applied to each property.

### Why is a Separate Rate being introduced?

The Council's *Private Laneways Policy & Procedure* provides that the Council will select at least two (2) Private Laneways for conversion to Public Road each year. By following the process set out in Section 210 of the Act to convert a Private Laneway to Public Road, the Council can assume ownership of and responsibility for the Private Laneway.

There are many Private Laneways throughout the City, which often have no known owner or a deceased owner, and which have deteriorated in condition over time. Although the Council has no legal obligation to maintain or upgrade these Laneways, it is recognised that in many cases, the Council is the only authority which has the capacity to provide a solution for adjacent residents and businesses.

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City of  
Norwood  
Payneham  
& St Peters

Converting a Private Laneway to Public Road provides a benefit for the adjacent properties and visitors to that part of the Council's area, including:

- improving vehicle and pedestrian access for the adjacent properties;
- improving accessibility of the public road network in the area; and
- the adjacent property owners and occupiers will have the benefit of the Council's ongoing management and maintenance of the Public Road (at the Council's cost).

In accordance with the Council's *Private Laneways Policy*, the costs of converting a Private Laneway to Public Road (including, eg, the legal, advertising and administration costs) are to be met by the adjoining owners of the Laneway and are to be shared equally between them. In order to recover these costs, the Council may declare a Separate Rate over the relevant part of the Council area under Section 154 of the Act, amounting to a rates liability against each adjoining property to the Laneway.

The Council will meet the costs of undertaking the capital upgrade works to bring the Private Laneway up to public road standard (including, eg, re-sealing the road surface, kerbing, line-marking and drainage infrastructure), and the ongoing maintenance costs.

A copy of the Council's *Private Laneways Policy & Procedure* is attached to this Fact Sheet.

### **Where will the Separate Rate apply?**

Only those properties which are immediately adjacent to Post Office Lane, Norwood will be impacted by the proposed Separate Rate.

These properties are shown within the Separate Rate Area on the Map attached to this Fact Sheet, and are listed below:

- 102 The Parade, Norwood;
- 104 The Parade, Norwood;
- 106-108 The Parade, Norwood;
- 110 The Parade, Norwood;
- 112 The Parade, Norwood;
- 59 Osmond Terrace, Norwood;
- 61 Osmond Terrace, Norwood;
- Unit 1 / 63 Osmond Terrace, Norwood;
- Unit 2 / 63 Osmond Terrace, Norwood;
- Unit 3 / 63 Osmond Terrace, Norwood;
- Unit 4 / 63 Osmond Terrace, Norwood;
- 65A Osmond Terrace, Norwood;
- 65B Osmond Terrace, Norwood;
- 5/67 Osmond Terrace, Norwood;
- 4 Hampton Grove, Norwood; and
- 2 Hampton Grove, Norwood.

### **How is the Separate Rate calculated?**

The Separate Rate is proposed to be a fixed charge, to be determined by sharing the costs of converting the Laneway to Public Road equally between the adjacent properties. The cost that will be payable by each adjacent property to Post Office Lane is set out below:

**\$203.00 (plus GST) per property**

Where a property comprises more than one (1) Certificate of Title, the 'per property' cost will be applied for each Title.

This is a one-off fixed charge, to be payable in four (4) equal instalments across a period of one (1) year.

### **For how long will the Separate Rate be applied?**

The Separate Rate is proposed to be declared for a period of one (1) year commencing **1 July 2020** and ending 30 June 2021.

Payments will fall due in September, December, March and June, at the same time as the General Council Rate for each property.

### **How you can have your say**

Comments on the proposed Separate Rate can be provided in writing to the Council:

- by post: PO Box 204, Kent Town SA 5071
- or via email: [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)

by no later than **5.00pm, Friday 8 November 2019**.

A public meeting will also be held in relation to the proposed Separate Rate on **Wednesday 13 November 2019** at **6.00-6.30pm** in the Mayor's Parlour, Norwood Town Hall, 175 The Parade, Norwood (entrance via George Street).

For further information, or the opportunity to meet with a Council representative, please contact the Council's Manager, Governance, Legal & Property on 8366 4507 or via email: [idunning@npsp.sa.gov.au](mailto:idunning@npsp.sa.gov.au)

### **What happens next?**

The consultation period ends on Friday 8 November 2019, at which time all feedback will be compiled and reported to the Council for its consideration at its December 2019 meeting.