

**Local Government Act 2008****LIMITS ON CERTAIN RATES**

I, DANIEL ROBERT KNIGHT, the Minister for Local Government:

- (a) under section 268 of the *Local Government Act* and with reference to section 43 of the *Interpretation Act*, revoke the limits on rates for the 2009/2010 and 2010/2011 financial years imposed by instrument dated 27 June 2008 and published in *Gazette* S30 of 30 June 2008; and
- (b) under section 268 of the *Local Government Act*, impose limits on rates for the 2009/2010 and 2010/2011 financial years as set out in the Schedule,

Dated 23rd February, 2009

D. R. KNIGHT  
Minister for Local  
Government

**SCHEDULE RATE LIMITS****Part 1 Preliminary matters****1 Definitions**

In this Schedule:

**base figure** means the amount expressed to be the base figure for a particular rate, which is used to calculate the CPI amount for the rate for that year for a given property.

**CPI amount** means an amount equal to the base figure for a particular rate, multiplied by the annual change (expressed as a percentage) in the Darwin CPI as at the end of the December quarter of the year preceding the year in which the rate is to be imposed.

**Part 2 Residential properties****Division 1 Residential properties within certain towns****2 Application of Division**

The rate limits specified in this Division apply to residential properties within the town boundaries of the following towns:

- (a) Tennant Creek;  
(b) Elliot;  
(c) Borroloola;  
(d) Mataranka;  
(e) Timber Creek;  
(f) Pine Creek;  
(g) Jabiru.

**3 Rate limits - 2009/2010 and 2010/2011 financial years**

Rates for the 2009/2010 and 2010/2011 financial years are limited to the extent that the rate revenue receivable by each relevant shire council from each property in a relevant financial year does not increase from the maximum limit of rate revenue from that property in the previous financial year (the base figure) by more than the CPI amount, with no significant change to the system of calculating the rate payable.

**Division 2 Other residential properties****4 Application of Division**

The rate limits specified in this Division apply to residential properties within the areas of the following shire councils:

- (a) Barkly Shire Council, but not including residential properties within the town boundaries of Tennant Creek and Elliot;  
(b) Central Desert Shire Council;  
(c) East Arnhem Shire Council;  
(d) MacDonnell Shire Council;  
(e) Roper-Gulf Shire Council, but not including residential properties within the town boundaries of Borroloola and Mataranka;  
(f) Tiwi Islands Shire Council;  
(g) Victoria-Daly Shire Council, but not including residential properties within the town boundaries of Timber Creek and Pine Creek;  
(h) West Arnhem Shire Council, but not including residential properties within the town boundaries of Jabiru.

**5 Rate limits - 2009/2010 financial year**

Rates for the 2009/2010 financial year are limited to a flat rate of \$600 per dwelling (the base figure) plus the CPI amount.

**6 Rate limits - 2010/2011 financial year**

Rates for the 2010/2011 financial year are limited to the extent that the rate revenue receivable by each relevant shire council from each property does not increase from the maximum limit of rate revenue from that property in the 2009/2010 financial year (the base figure) by more than the CPI amount, with no significant change to the system of calculating the rate payable.

**Part 3 Commercial properties****Division 1 Commercial Properties within certain towns****7 Application of Division**

The rate limits specified in this Division apply to commercial properties within the town boundaries of the following towns:

- (a) Tennant Creek;  
(b) Elliot;  
(c) Borroloola;  
(d) Mataranka;  
(e) Timber Creek;  
(f) Pine Creek;  
(g) Jabiru.

**8 Rate limits - 2009/2010 and 2010/2011 financial years**

Rates for the 2009/2010 and 2010/2011 financial years are limited to the extent that the rate revenue receivable by each relevant shire council from each property in a relevant financial year does not increase from the maximum limit of rate revenue from that property in the previous financial year (the base figure) by more than the CPI amount, with no significant change to the system of calculating the rate payable.

**Division 2 Other commercial properties****9 Application of Division**

The rate limits specified in this Division apply to commercial properties within the areas of the following shire councils:

- (a) Barkly Shire Council, but not including commercial properties within the town boundaries of Tennant Creek and Elliot;
- (b) Central Desert Shire Council;
- (c) East Arnhem Shire Council;
- (d) MacDonnell Shire Council;
- (e) Roper-Gulf Shire Council, but not including commercial properties within the town boundaries of Borroloola and Mataranka;
- (f) Tiwi Islands Shire Council;
- (g) Victoria-Daly Shire Council, but not including properties within the town boundaries of Timber Creek and Pine Creek;
- (h) West Arnhem Shire Council, but not including commercial properties within the town boundaries of Jabiru.

**10 Rate limits - 2009/2010 financial year**

Rates for the 2009/2010 financial year are limited to the extent that the rate revenue receivable by each relevant shire council from each property in a relevant financial year does not exceed the greater of the following alternatives:

- (a) the assessed value multiplied by no more than 0.00284 (the base figure) plus the CPI amount;
- (b) if a minimum rate applies, a minimum rate no more than \$710 (the base figure) plus the CPI amount;
- (c) if rating is on the basis of a fixed rate, no more than \$710 (the base figure) plus the CPI amount.

**11 Rate limits - 2010/2011 financial year**

Rates for the 2010/2011 financial year are limited to the extent that the rate revenue receivable by each relevant shire council from each property in the financial year does not increase from the maximum limit of rate for the 2009/2010 financial year (the base figure) plus the CPI amount, with no significant change to the system of calculating the rate payable.

**Part 4 Conditionally rated land****Division 1 Mining tenements****12 Application of Division**

This rate limits specified in this Division apply to conditionally rated land, being mining tenements within the meaning of the *Local Government Act*.

**13 Rate limits - 2009/2010 financial year**

- (1) Rates for the 2009/10 financial year are limited to the greater of the following alternatives:
  - (a) the assessed value multiplied by no more than 0.00284 (the base figure) plus the CPI amount;
  - (b) a minimum rate, no greater than \$710 (the base figure), plus the CPI amount.
- (2) For this clause, contiguous leases and/or rateably adjacent leases, held by the same person, are to be rated as if they were a single lease.
- (3) If the owner of the mining tenement is also the owner of the land tenure underlying the mining tenement, and is liable for rates for the underlying

tenure, the rates payable are limited to either the rates payable for the underlying tenure or the rates payable for the mining tenement, whichever is the highest.

- (4) This clause does not prevent the holder of a mining interest and a council reaching agreement on financial contributions or service delivery arrangements in addition to rates.

**14 Rate limits - 2010/2011 financial year**

Rates for the 2010/2011 financial year are limited to the extent that the rate revenue receivable by each relevant shire council from each property in the financial year does not increase from the maximum limit of rate for the 2009/2010 financial year (the base figure) plus the CPI amount, with no significant change to the system of calculating the rate payable.

**Division 2 Pastoral leases****15 Application of Division**

- (1) The rate limits specified in this Division apply to land held under a pastoral lease (within the meaning of the *Pastoral Land Act*), within the areas of the following shire councils:

- (a) Barkly Shire Council;
- (b) Central Desert Shire Council;
- (c) East Arnhem Shire Council;
- (d) MacDonnell Shire Council;
- (e) Roper-Gulf Shire Council;
- (f) Tiwi Islands Shire Council;
- (g) Victoria-Daly Shire Council;
- (h) West Arnhem Shire Council.

- (2) The rate limits also apply in relation to land held under a pastoral lease within the area of a council not listed in subclause (1) if that council has a category of rating specifically relating to land held under a pastoral lease, but not otherwise.

*Example*

*If a council includes land held under a pastoral lease in a general category (such as "agricultural land", also including freehold land used for pastoral purposes), the rate limits specified by this Division do not apply.*

**16 Rate limits - 2009/2010 financial year**

- (1) Rates for the 2009/10 financial year are limited to the unimproved capital value ("UCV") multiplied by no more than 0.00060 (the base figure) plus the CPI amount.
- (2) However, if a minimum rate applies, the minimum rate is to be no greater than \$300 (the base figure) plus the CPI amount.
- (3) If the UCV of a property is not readily ascertainable, a flat rate of \$300 (the base figure) plus the CPI amount may be applied.
- (4) This clause does not prevent the holder of a pastoral lease and a council reaching agreement on financial contributions or service delivery arrangements in addition to rates.

**17 Rate limits - 2010/2011 financial year**

Rates for the 2010/2011 financial year are limited to the extent that the rate revenue receivable by each relevant shire council from each property in the financial year does not increase from the maximum limit of rate for the 2009/2010 financial year (the base figure) plus the CPI amount, with no significant change to the system of calculating the rate payable.