



MITCHAM

RATING

Adopted by Council 26 June 2018

public policy

MITCHAM

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1. PREAMBLE

Council's powers to raise rates are found in Chapter 10 of the *Local Government Act 1999* ("the Act"). The Act provides the framework within which the Council must operate, but also leaves room for the Council to make a range of policy choices. Council is required to comply with the requirements of the Act and in particular Section 123.

Rates are not fees for services. They constitute a system of taxation for Local Government purposes; Local Government functions are defined broadly in the Act. All systems of taxation try to balance various principles of taxation.

In addition to rates, Council also raises some revenue through:

- Statutory Charges;
- Optional user charges (eg hire of community facilities);
- Expiation fees (eg for parking infringements);
- Grants, subsidies and contributions; and
- Investment Income;

2. PURPOSE

To set out Council's rating structure and policy for the financial year and the principles used by Council in determining the rating policy for the 2018/19 financial year.

3. SCOPE

All land within the Council area, except for land specifically exempt (eg Crown Land, Council occupied land and other limited categories as set out at Section 147 of the Act) is rateable.

4. DEFINITIONS

This Policy represents the Council's commitment to balancing the five main principles of taxation:

- (i) Capacity to pay: This principle suggests that a person who has less capacity to pay should pay less and that persons of similar means should pay similar amounts.
- (ii) Benefits received (ie services provided, or resources consumed): Reliance on this principle suggests that (all other things being equal) a person who receives more benefits should pay a higher share of tax. This is not to suggest that the *benefit* must be equivalent to the tax paid. The tax paid by an individual is not a 'fee for service'. To some extent, every action of Council affects the amenity of life of individual taxpayers; however, the totality of services provided by Council act to maintain and enhance the value of all properties in the Council area.
- (iii) Administrative simplicity: This principle refers to the costs involved in applying and collecting the tax and how difficult it is to avoid.
- (iv) Economic efficiency: This refers to whether or not the tax distorts economic behaviour.
- (v) Policy consistency: This principle is that taxes should be internally consistent and based on transparent, predictable rules that are understandable and acceptable to taxpayers.

5. PRINCIPLES

To ensure the fair and equitable assessment and collection of Council rates from ratepayers.

6. POLICY STATEMENT

In determining its rating structure Council has taken into account the impact on Council's Strategic Management Plans, Annual Business Plan and Long Term Financial Plan and:

- the competing demands of community priorities identified through the consultation process, (ie the imperative of maintaining existing infrastructure);
- its role as custodian of significant community assets held and managed on behalf of the local community and future generations;
- the need for significant capital works to replace and upgrade infrastructure assets;
- the obligation to operate as effectively and efficiently as possible;
- the need to reassess the use and viability of community facilities; and
- the impact of rates on all sectors of the community (householders and businesses) based on factors, such as:
 - the broad principle that the rate in the dollar should be the same for all properties, except where there is either a different level of services available to ratepayers, or some other circumstance exists which warrants variation from the broad principle. Council has addressed this through the application of differential rates on commercial, industrial and vacant land uses – refer to the section entitled “Differential Rates”;
 - the fact that community surveys undertaken over the last 10 years show a clear preference that service levels not be reduced in order to contain rate increases; and
 - that while Council is committed to minimising rate increases, its priority is striking a rate which maintains community assets and existing services in an equal or better condition.

6.1 Valuation

Method of Valuation

Council may adopt one of three valuation methodologies to value land in its area. They are:

- Capital Value: the value of the land and all 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: valuation of the rental potential of the property.

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

- the equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;
- property value is a relatively good indicator of wealth and capital value, which closely approximates the market value of a property and provides the best indicator of overall property value; and
- the distribution of property values throughout the Council area is such that few residential ratepayers will pay an increase significantly greater than the increase in average rates.

Adoption of Valuations

Council proposes to adopt the rate in the dollar based on valuations made by the Valuer-General as provided to Council on Sunday, 17 June 2018. If a ratepayer is dissatisfied with the valuation made by the Valuer-General, 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 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.

It is to be noted, however, that regardless of the 60 day limitation period for lodging an objection to the valuation, the Valuer-General may, for good reason, determine to accept an objection lodged outside this time period.

The address of the Office of the Valuer-General is:

State Valuation Office
GPO Box 1354
ADELAIDE SA 5001
Email: lsgobjections@sa.gov.au
Phone: 1300 653 345

Please note that Council has no role in this process. It is also important to note that the lodgement of an objection does not change the due date for the payment of rates.

Notional Values

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain primary production land or where there is State heritage recognition. A notional value is generally less than the capital value and this will result in reduced rates, unless the minimum amount payable by way of general rates already applies. Application for a notional value must be made to the State Valuation Office.

6.2 Council's Revenue Raising Powers

All land within the Council area, except for land specifically exempt (e.g. Crown land, Council occupied land and other land prescribed in the Act (Section 147), is rateable. The Act provides for the 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. It can also raise service rates or charges for specific services. Council also raises revenue through fees and charges that are set in consideration of the cost of the service provided and any equity issues.

The list of applicable fees and charges is available at the City of Mitcham offices, the Mitcham Library and the Blackwood Library.

Consideration of Issues of Consistency and Comparability Across Council Areas

Insofar as relevant, Council, in setting its rates, has considered the levels of rates in the Adelaide metropolitan area and particularly in neighbouring council areas such as Unley, Burnside and Marion.

Land Against Which Rates May Be Assessed

Rates are assessed as follows:

- against any piece or section of land subject to separate ownership or occupation;
- against all land subject to separate occupation (eg tenancy apportionments in a shopping centre or units) will be subject to a separate assessment;
- against any aggregation of contiguous land subject to the same ownership or occupation; and / or
- against all contiguous land (ie a house with an adjoining allotment used as part of the residential property or two shops being used as one) will be assessed as being contiguous and therefore will not attract a minimum rate.

Council relies on information from the Valuer-General for this process.

6.3 Differential Rates

The Act allows the Council to 'differentiate' rates based on the use of land, the locality of land, the use and locality of the land combined or on some other basis determined by Council. The City of Mitcham applies different rates on the basis of land use.

Additionally, Council has reviewed the differential rates to apply for 2018/19 and is proposing that the rate increase applicable to commercial/industrial properties and vacant land, remains consistent with the general rate at 2.97%. Capping provisions of 12.5% apply to all eligible properties.

The following differential general rates will apply for 2018/19:

- 0.281395 cents in the dollar on the capital value of rateable land of Residential, Primary Production and Other land uses.
- 0.575816 cents in the dollar on the capital value of rateable land in Commercial – Shop, Commercial – Office, Commercial – Other, Industry – Light, Industry – Other and Vacant Land land uses.

Land use, as determined in the *Local Government (General) Regulations 2013* under the Act is used as the factor to apply differential rates. Land that has been identified (coded) by the Valuer-General as vacant land, and is contiguous to a residential dwelling, will be rated at the general rate applied to residential properties if it is owned by the same owner and occupied by the same occupier. Vacant land that is contiguous to a non-residential property will be rated according to the predominant use of the whole of the land.

If ratepayers believe that a particular property has been incorrectly classified as to its land use, then they may object (to Council) to that land use within 60 days of being notified. A ratepayer may discuss the matter with a Rates Officer on 8372 8888 in the first instance. Council will provide, on request, a copy of Section 156 of the Act, which sets out the rights and obligations of ratepayers in respect of objections to a land use classification.

Objections to Council's decision may be lodged with the Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park, SA 5062. The objection must be made within 60 days of receiving notice of the land use classification and must set out the basis for the objection and details of the land use classification that (in the opinion of the ratepayer) should be attributed to that property.

Council also may, for good reason, accept an objection to a land use attribution outside of the 60 day period.

Council will make a decision on the objection as it sees fit and will then notify the ratepayer.

A ratepayer also has the right to appeal against Council's decision to the Land and Valuation Court. It is important to note that the lodgement of an objection does not change the due date for payment of rates.

6.4 Minimum Rate

Section 158 of the Act provides that the Councils may fix a minimum amount payable by way of rates (a minimum rate').

Council believes that the adoption of a minimum rate recognises that each rateable property within the Council area benefits from a minimal level of service and should therefore make a minimum level of contribution.

The minimum rate is levied against the whole of an allotment (including land under a separate lease or licence) and only one minimum rate is levied against two or more pieces of adjoining land owned by the same owner and occupied by the same occupier. The reasons for imposing a minimum rate are that Council considers it appropriate that all rateable properties make a contribution to:

- the cost of administering the Council's activities; and

- the cost of creating and maintaining the physical infrastructure that supports and underpins the value of each property.

Council has adopted a policy of setting its minimum rate at a level not exceeding 65% of the average rate of all rateable properties. The minimum rate for 2018/19 has been set at \$1,039. With an average rate of all rateable properties for 2018/19 of \$1,853 the minimum rate represents 56% of the average rate of all rateable properties.

The minimum rate will affect 13.2% of rateable properties, which is within the legislated limit of 35%.

6.5 Natural Resources Management Levy

The Council is in the Adelaide and Mount Lofty Ranges Natural Resources Region and is required under the *Natural Resources Management Act 2004* to fund the operations of the Adelaide and Mount Lofty Ranges Natural Resources Management Board. For 2018/19 the Board has advised Council that the amount of \$1,684,538 is required to be collected from ratepayers.

The Council will do so by imposing a separate rate of 0.009823 cents in the dollar against all rateable properties in the Council area. Council is operating as a revenue collector for the Adelaide and Mount Lofty Ranges Natural Resources Management Board in this regard and does not retain this revenue.

6.6 Business Impact Statement

Council considers the impact of rates on all businesses in the Council area. In doing so, Council considers and assesses the following matters:

- the demand made on Council services by commercial and industrial users as a proportion of rate revenue;
- Council's Strategic Management Plan and those priorities relating to business development mentioned above;
- specific Council projects for the coming year that will solely or principally benefit businesses;
- preference for local suppliers where price, quality and service provision are comparable to suppliers outside the Council area;
- current local, state and national economic conditions and expected changes during the next financial year. The expectation is that relatively low rates of inflation and current levels of interest rates will prevail; and
- changes in the valuation of commercial and industrial properties in comparison to residential properties.

6.7 Rebates, Capping and Postponement of Rates Rate Rebates

The Act requires Council to rebate rates payable on specific uses of land. Further information is set out in Attachment 3 to this Policy.

Rate Capping

Rate Capping provides relief against what would otherwise amount to a substantial change in rates payable from one year to the next, due to rapid changes in valuation or changes in Council policy. A rate capping rebate will

be applied to all properties under Section 166(1) (l) of the Act. The rate capping rebate will be applied either by Council of its own initiative, where the Council is in possession of sufficient information to determine entitlement to the rebate, or otherwise on application to Council.

A rebate will be granted, subject to the eligibility criteria below, such that the increase in rates payable in any one year is limited to a maximum of 12.5%. Rate capping rebates will not be subject to a formal application and will be deducted from the first rate notice. If ratepayers believe they are eligible for a rate capping rebate and it has not been automatically granted, an application can be made by 31 December 2018 for the 2018/19 financial year.

The rate capping rebate will not apply, and therefore the full rates amount will be payable, where:

- any such increase in general rates is due or partly due to an increase in valuation of the land in the assessment because of significant capital improvements on the property (development) worth more than \$25,000;
- any such increase in general rates is due or partly due to a change in land use for the land in the assessment between that declared for the 2018/19 financial year and that declared for the prior financial year;
- the ownership of the rateable property has changed since 1 July 2017.

The Capping Rebate will not apply where a Mandatory or Discretionary rebate has already been applied.

Rate capping for residential properties (subject to certain criteria) recognises that in some circumstances residents have no control over increases in property valuations. Where a significant valuation increase is as a result of market forces and not as a result of purchasing the property, the rates levied as a result of that valuation increases should be capped at a level that minimises the impact to a reasonable level.

For Vacant Land, the rate capping rebate will not apply and, therefore, the full rates amount will be payable, where the Vacant Land has not been rated previously, (ie new land division).

The rate capping rebate will be calculated based on the amount of general rates payable in 2017/18 (inclusive of any capping) and will exclude the Natural Resources Management Levy and any Separate rates applicable.

The rate capping strategy addresses the following objectives:

- Improves equity in rate distribution across the community
- Prevents inequitable shifts in rate responsibility
- Minimises the impact of property valuation movements
- Ranks highly against the principles of taxation.

The rate capping rebate will be applied automatically to properties that can be readily identified as being eligible. Where this rebate is not applied automatically, ratepayers who consider they could be eligible for the rate capping rebate may lodge an application form, which will be assessed against the eligibility criteria. Council rebates or remissions are not included in the capping calculation process. The application must be lodged by 30 June 2019.

Vacant Land Rebate (Discretionary Rebate)

Council has agreed to apply a rebate on Vacant Land, where the land use has changed in any given financial year from Residential land use to Vacant Land. The rebate will apply within the first 12 months to the residential rate in the dollar adopted for properties that become vacant land and will be applied either by Council of its own initiative, where the Council is in possession of sufficient information to determine entitlement to the rebate, or otherwise on application to Council.

Under Section 166 (1) (a) of the Act, and for the purpose of securing the proper development of the area, a discretionary rebate of general rates for the 2018/2019 financial year will be granted in respect of an Assessment attributed as vacant land where:

- The Land Use is noted as Residential or Primary Production by the Valuer-General in the current year following a sub-division/development and the Council attributed the land use as Residential or Primary Production.
- The actual use of the land has changed to Vacant Land and the Valuer-General has determined a Vacant Land use code to the land in the following year and the Council has also attributed a rate in the dollar for Vacant Land.
- The principal rate-payer applies in writing prior to 31 December 2018 for a rebate the current year, confirming that the property will be their principal place of residence on completion of any development. The Council may consider any application received after 31 December 2018 for the 2018/2019 financial year, but reserves its right to refuse to consider applications received after this date.
- The rebate will only apply for a maximum period of 12 months in the (same) financial year.
- The property will be re-assessed the following financial year - If the use of the land is still classified as Vacant Land by the Valuer-General and the Council also attributes this land use, then the rate in the dollar for Vacant Land will apply.
- Refer to the Residential Construction Rebate beyond the first 12 months.

Residential Construction on Vacant Land (Discretionary Rebate)

Under Section 166 (1) (a) of the Act, and for the purpose of securing the proper development of the area, a discretionary rebate of general rates for the 2018/19 financial year will be granted in respect of an Assessment classed as vacant land where the:

- Principal Ratepayer of the Assessment applies to the council, in writing, for the rebate prior to 30 June 2019;
- Foundations or slab have been laid on the property by 30 June 2019, proof of the date the footings were laid must accompany the application;
- Principal Ratepayer has confirmed, in writing, that the property will be their principal place of residence upon completion.

Land which has been subdivided in the current financial year will not be eligible for the rebate

The amount of the rebate will be based on:

- The difference between the general rate in the dollar applicable to Vacant land, and the general rate in the dollar applicable to Residential land; and
- The number of days remaining between 1 July 2018 and 30 June 2019 from the date footings are poured for a residence on the land. The rebate will not fall below the Minimum Rate.

Remission of Rates

Section 182 of the Act permits Council, on the written application of a ratepayer, to partially or wholly remit rates and charges, fines and interest or to postpone rates on the basis of hardship.

Where a ratepayer is suffering hardship in paying rates he/she is invited to contact the Senior Rating Services Officer on 8372 8156 to discuss the matter. Such enquiries are treated confidentially by the Council.

Flexible Rate Payments Scheme

Any ratepayer who may, or is likely to experience difficulty in meeting the standard payment arrangements of Council, is invited to contact the Senior Rating Services Officer to discuss alternative payment arrangements. Late payment fines and interest may apply. All such enquires will be treated confidentially by Council.

Rate Deferral Scheme

Section 182(1)(a) and (2) of the Act provides for the postponement of rates if Council is satisfied that the payment of these rates would cause hardship.

Council may, on written application and subject to a ratepayer substantiating the hardship to the satisfaction of Council, consider granting a postponement of payment of rates in respect of an assessment on the condition that a ratepayer agrees to pay interest on the amount affected by the postponement at the "prescribed percentage" as defined in the Act and that the ratepayer also satisfies the following criteria:

- a) the property is the principal place of residence of the ratepayer and is the only property owned by the ratepayer; and
- b) the property has been owned by the ratepayer:
 - i. for a minimum of 10 years; or
 - ii. for a minimum of five years with an immediately previous continuous ownership within the City of Mitcham of five years as the principal place of residence; and
- c) the ratepayer is able to satisfy one of the following:
 - i. produce a Pension Card from Centrelink; or
 - ii. produce a Pension Card from Veteran Affairs; or
 - iii. produce a TPI Pension Card from Veteran Affairs; or
 - iv. can demonstrate to Council that he/she is a self-funded retiree and is earning less than \$25,000 per annum.

Postponement of Rates Scheme for State Seniors Card Holders

Section 182A of the Act provides for postponement of rates on the principal place of residence by seniors who meet the eligibility criteria, make application and hold a current Seniors Card. The amount which can be postponed is any amount greater than \$500 (\$125 per quarter). In accordance with Section 182A (12) of the Act, interest will accrue on the postponed balances at a rate which is 1% above the cash advance debenture rate. The accrued debt is payable on the disposal or sale of the property. Further information is set out in Attachments 1 and 2 to this policy.

6.8 Payment of Rates

Frequency of Payment of Rates

Council rates are due quarterly on:

- 15 September 2018,
- 19 December 2018,
- 15 March 2019, and
- 15 June 2019.

Council offers a discount of 1% for the payment of the full year's rates by 15th of September 2018.

Emailed Rate Notices

Rate Notices can now be received electronically through your financial institution by registering for BPAY View. There is no obligation to pay through BPAY. Ratepayers should contact their bank for further information. A paper bill will not be issued should they choose this option.

Methods of Paying Rates

BPAY

Payment may be made by phone or the internet through a bank, Credit Union or Building Society. A financial institution must be contacted to make this payment from cheque, savings or credit card accounts.

Australia Post

Payment may be made at any Australia Post Office with a "One Stop Bill Pay" service. Ratepayers should present the notice at the Post Office.

Centrepay

Centrepay is a direct bill paying service offered to customers receiving payments from Centrelink. The rate payment is deducted from the ratepayer's Centrelink payment before it goes into their bank. The minimum payment amount is \$10 per fortnight. Ratepayers should call Centrelink on their normal payment number or register online. Forms are also available from Council.

Telephone

Payment may be made by calling 1300 303 201 for an Interactive Voice Response (IVR) Service. This payment option is by credit card only.

Internet

Payment may be made via the internet by accessing Council's website at www.mitchamcouncil.sa.gov.au, selecting "Rate Payments" in the Online Payments box and following the prompts. This payment option is by credit card only.

Mail

By Cheque only, made payable to: City of Mitcham and marked 'Not Negotiable'. Ratepayers should attach the tear off slip and send to:

City of Mitcham
PO Box 21
Mitcham Shopping Centre
TORRENS PARK SA 5062

Receipts will not be issued unless requested.

In Person

Ratepayers should present the rate notice at the Customer Service Centre:

City of Mitcham
131 Belair Road
TORRENS PARK SA 5062

EFTPOS and credit card facilities are available at the Council Office. Debit Cards, Visa and MasterCard may be used, however, no cash out facility is available.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment arrangements is invited to contact Rating Services to discuss alternative payment arrangements. Such enquiries are treated confidentially by Council.

Late Payment of Rates

The Act provides that the Council imposes a penalty of a 2% fine on any payment for rates, whether instalment or otherwise, that is received late. A payment that continues to be late is then charged a prescribed interest rate, set each year according to a formula in the Act for each month the rates remain unpaid.

The purpose of this penalty is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time and enables the Council to recover the administrative cost of following up unpaid rates and any interest payable because the rates have not been received.

Council allows a further three working days following the due date for payment as a grace period. Fines are payable under the Act but Council will remit this amount if payment is received within the three days grace period. Thereafter, fines for late payment are fully imposed.

Council is prepared to remit penalties for late payment of rates where ratepayers can demonstrate hardship. Applications to remit penalties must be in writing.

Council issues a final notice for payment of rates when rates are overdue (i.e. unpaid) by the due date. Should rates remain unpaid more than 21 days after the issue of the final notice, then Council refers the debt to a debt collection agency. The debt collection agency charges collection fees recoverable from the ratepayer.

When 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 (which may include legal fees);
- second – to satisfy any interest costs;
- third – in payment of any fines imposed; and
- fourth – in payment of rates, in chronological order (starting with the oldest account first).

Sale of Land for Non-Payment of Rates

The Act provides that the Council may sell any property where the rates have been in arrears for three years or more. Council is required to notify the owner of the land of its intention to sell the land, provide the owner 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.

Overpayment of Rates

Council is required, pursuant to provisions in the Act to refund balances that are in credit as a result of an overpayment of rates. In some instances interest may be calculated on these credit balances.

Council will not refund amounts less than \$20 due to the administrative costs associated with processing refunds. In these instances the credit balance will be applied against the next instalment of rates. If a request for refund is sought based on grounds of hardship, the refund will be made irrespective of the minimum (\$20) balance requirement.

6.9 Changes to Assessment Records

All changes to the postal address of a ratepayer/owner and changes of ownership of a property must be notified promptly to Council in writing.

6.10 Application of the Policy

Where a ratepayer believes that Council has failed to properly apply this Policy it should raise the matter with the Council. In the first instance the ratepayer should contact the Senior Rating Services Officer on 8372 8156 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to Mr Matthew Pears, Chief Executive Officer, City of Mitcham, PO Box 21, Mitcham Shopping Centre, Torrens Park SA 5062.

6.11 Applications for Review of the Financial Impact of the Declaration of Rates

In accord with Section 270 of the Act ratepayers may seek a review of the impact of Council's declaration of rates. In accord with Council's '*Internal Review of a Council Decision Policy*', if Council receives an application for a review of a decision concerning the financial impact of Council rates, these will be dealt with as a matter of priority. Where circumstances warrant, Council may consider financial relief or the granting of concessions in line with the provisions of Section 166 of the Act.

An application for review must be in writing and set out the reasons for applying for the review. Although Council can be expected to have information and material relevant to the matter under review, an application for review may also include new, relevant information or evidence to support the application.

All applications for a review of a decision concerning the financial impact of the declaration of Council rates should be titled "Internal Review Request on the Financial Impact of the Declaration of Rates" and submitted to:

Senior Rates Officer
City of Mitcham
PO Box 21
Mitcham Shopping Centre
TORRENS PARK SA 5062

Or emailed to: mitcham@mitchamcouncil.sa.gov.au

6.12 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.

7. POLICY REVIEW

Policy to be reviewed on an annual basis.

8. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1	General Manager Corporate Services and Innovation	New Policy	26/06/18

9. DOCUMENT CONTROL

Responsible Department	Finance and Rates		
Delegations Apply	Yes		
Classification	Financial Management		
Applicable legislation	Local Government Act 1999		
Related Policies & Corporate Documents	Annual Business Plan		
Additional references			
Endorsed by Council:	26 June 2018	Item No:	7.1
Effective Date:	1 July 2018	Next Review Date:	June 2019
Policy Set ID	3848164	Template Set ID	3345084

10. APPENDICES

- Appendix 1 – Postponement of Rates Scheme - for State Seniors Card Holders
- Appendix 2 – Application for Postponement of rates for seniors
- Appendix 3 – Rate Rebates

APPENDIX 1 - POSTPONEMENT OF RATES SCHEME FOR STATE SENIORS CARD HOLDERS

Information Sheet (LGA 32018)

Over the past several years significant and, in some areas, uneven movement in property values has caused a substantial redistribution of council rates amongst ratepayers within some council areas. In response, councils have implemented flexible payment arrangements and where appropriate rate capping measures. However some seniors, many of whom are pensioners, have found it difficult to pay their council rates. Even though they own property and are “asset rich”, their low income means they are “cash poor”.

The Act (as amended) provides the option for State Seniors Card Holders to apply to postpone on a long-term basis part of their council rates. The deferred amount is subject to a monthly interest charge, with the accrued debt being payable on the disposal or sale of the property. However, the debt may be paid earlier at the ratepayer’s discretion.

Who is eligible to apply for postponement of rates?

A ratepayer who holds or is in the process of applying for a State Seniors Card may apply for postponement of a portion of the council rates payable on property they own or are buying if it is their principal place of residence (that, is the place lived in most of the time) and if no other person other than their spouse has an interest as owner of the property.

How much equity do I need to have in the property?

If you have a current mortgage over the property, which was registered prior to 25 January 2007, you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution, which indicates the maximum credit limit secured by the mortgage to include with this application form.

If you have a mortgage that was registered after 25 January 2007 there is no restriction on the level of equity held.

How much of the total rates can be postponed?

At least \$500 of the total council rates bill must be paid, but an application can be made for any amount in excess of \$500 to be postponed. You may pay the amount due in four quarterly instalments in the same way that the total amount of annual rates are payable. An example follows.

Total rates amount	\$1,500.00
Minimum amount payable	\$ 500.00
Amount of rates postponed	\$1,000.00

What is the interest rate?

Interest is calculated and compounded monthly on the postponed rate debt. The interest rate is prescribed in the Act and is set annually on 1 July, and may vary from year-to-year. By way of example, during the 2017/18 rating period the charge would be based on an interest rate of 4.75% per annum.

A simple example of how the charge is applied.

Mr and Mrs Senior's total council rates amount for the rating period is \$1,500.00. That means they will pay \$500.00 and postpone the remaining balance of \$1,000.00.

Mr and Mrs Senior then pay the \$500.00 over four quarterly instalments.

The total charge on the \$1,000.00 rates postponed for the rating period will be 4.75% per annum or 0.396% monthly (that is, 4.75% divided by 12). Interest will be compounded on a monthly basis, included any subsequent year's outstanding rates, until all outstanding rates have been paid in full.

You can talk to the Rating Officer at Council for an explanation of how your quarterly payments and monthly charge would be calculated on the amount of rates you wish to postpone, and the exact amount of charges that would apply.

How do I keep track of what I owe to Council in postponed rates?

You will receive a statement with each rates notice which sets out:

- the amount of postponed rates;
- the interest accrued; and
- advice of your ongoing entitlement to postpone future rates, or to pay off the debt at any time prior to the disposal or sale of the property.

The statement may be in the form of a separate notice or may be included on your quarterly rates notice.

You may also talk to the Council's Rating Officer at any time if you have any queries or want additional information.

Can payment of Council rates be postponed year after year?

Payment of your council rates may be postponed for one year only, or for any number of future years. Postponement of your council rates will continue automatically in each subsequent year after your initial application is approved, until either the property is sold or disposed of, you no longer meet the eligibility criteria for postponement, or you advise Council that you do not want to continue with the arrangement to postpone rates.

Council may issue an annual declaration form with the annual rates notice to check you are still eligible and that you wish to continue to postpone future rates.

You may choose to pay off all or any portion of the postponed rates debt at any time if your financial circumstances change.

How does my eligibility change, and what do I need to do then?

Your eligibility changes if you move out of your home, or are no longer entitled to have a State Seniors Card.

When your eligibility changes you must inform the Council in writing within six months. In these circumstances you are no longer entitled to postpone future rates. However, the postponed amount and accrued interest is not payable until the date of disposal of the property.

The agent or broker who is organising the sale, disposal and settlement of your property will ask you to sign a form, which advises of the requirement to, and authorises payment of all outstanding Council rate charges at the time of settlement.

Is there anything else I need to know?

The rates debt and interest accrued will decrease the value of your equity in the property at the time of disposal or sale.

Seniors are encouraged to seek independent financial advice prior to making the decision to postpone rates. You may also like to discuss the option with a family member, beneficiaries or another person you trust.

Remember, you can choose to pay off the postponed rates debt and accrued interest at any time if your financial circumstances change.

How do I apply for postponement of rates?

You will be required to complete an application form to enable Council to assess your application and to verify your eligibility.

Please contact the Senior Rating Officer at the Council office to arrange a convenient time and place to discuss your application and lodge your application form. This will provide an opportunity for you to obtain more information about the Postponement of Rates Scheme, the conditions that will apply, and for any questions or concerns you might wish to discuss.

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APPENDIX 2 - APPLICATION FORM: POSTPONEMENT OF RATES SCHEME FOR STATE SENIORS CARD HOLDERS

Ratepayers who hold a State Seniors Card are now able to apply to Council to postpone payment of council rates on their principal place of residence. This application form will enable Council to assess your eligibility to postpone the payment of your rates. Please also refer to the explanatory notes overleaf.

Please contact the Council office to arrange a convenient time and place to discuss your application and lodge your application form.

Applicant's Name: (if different to the Contact Name)	
Contact Name: (if different to the Applicant)	
Telephone:	
Appointment – Date and Time:	
Place:	
Name of State Seniors Card Holder:	
State Seniors Card Number:	
Property Address for Postponement of Rates:	
Postal Address:	
Telephone:	
<p>Are there currently mortgages over the property registered prior to 25 January 2007? (Please tick ✓ the relevant box below).</p> <p><input type="checkbox"/> Yes</p> <p>If yes, please attach a statement from the financial institution indicating the maximum credit limited secured by the mortgage.</p> <p><input type="checkbox"/> No</p> <p>If no, please attach a copy of the Certificate of Title.</p>	

Declaration

It is an offence for a person or body to make a false or misleading statement or representation in an application or to provide false or misleading information or evidence in support of an application made (or purporting to be made) under the Act.

Please complete the declaration below to affirm that the information provided on the application is correct.

- I declare that the above property is the principal place of residence of the State Seniors Card Holder and/or spouse (that is, the property lived in most of the time).
- I declare that I am either the State Seniors Card Holder or his/her spouse.
- I declare that no person other than the State Seniors Card Holder and/or his/her spouse has an interest as an owner in the property.
- I declare that I have been informed and understand the conditions which apply to the postponement of rates scheme.
- I declare that the information I have provided on this application form, to the best of my knowledge, is true and correct.

Owner / Applicant's Name:	
Signature:	
Date:	
Witness Name (optional):	
Signature:	
Date:	

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Explanatory Notes

- You are eligible for postponement of rates if:
 - You are a State Seniors Card Holder (or have applied for the card); and
 - The property is your principal place of residence (where you live most of the time); and
 - No other person, other than your spouse, has an interest as an owner of the property.
- If you have a current mortgage over the property, which was registered prior to 25 January 2007, you are required to have at least 50% equity in your property. If you currently have any mortgages or encumbrances on the property registered before that date you will need to obtain a statement from your financial institution, which indicates the maximum credit limit secured by the mortgage to include with this application form.
- A minimum amount of \$500 of the annual rates must be paid.
- The interest rate which will apply to the amount of rates postponed is prescribed in the *Local Government Act 1999* (as amended) Section 182A(12). Interest will be charged and compounded monthly on the total amount postponed, until the debt is paid.
- The accrued debt including interest is payable at the time of disposal or sale of the property. However, you have the discretion to pay all or any part of the debt at an earlier time.
- You must inform Council in writing within six months if your eligibility changes. For example, if you move out of your home or are no longer entitled to have a State Seniors Card.

Note: A \$5,000 maximum penalty applies for failure to inform Council in writing within six months of the change in eligibility [Local Government Act 1999 Section 182A(8)].

- Council will provide information about the postponed rates debt, and the interest accrued with future rate notices.

Note: It is unlawful to make a false or misleading statement in your application. A \$10,000 maximum penalty applies [Local Government Act 1999 Section 182A(9)].

Assessment of Your Application

Your application will be assessed and if approved, arrangements for the postponement of a portion of your council rates will be confirmed in writing to you and all owner/s of the property. If your application is denied, you will be advised in writing of the reasons for the denial. In this event, you will have the right to ask for a review of Council's decision.

APPENDIX 3 - RATE REBATES

Council is required to rebate rates on specific land. This policy will assist Council as a decision making function and is intended to provide guidance to the community as to the matters that Council will take into account in deciding an application for a rebate.

Specific provisions are made for land used for health services, community services, religious purposes, public cemeteries, the Royal Zoological Society and educational institutions.

The policy also sets out the type of land use for which Council must grant a mandatory rebate of rates and the percentage amount applicable, and those types of land use where Council has the ability to grant a discretionary rebate of rates. Rebates will only be available when the applicant satisfies the requirements under both the Act and, where appropriate, the requirements of this policy.

Note: It is unlawful to make a false or misleading statement in your application. A \$5,000 maximum penalty applies [Local Government Act 1999 Section 159 (2)]

Mandatory Rebates

Mandatory rate rebates will be granted by Council at the prescribed rate in accordance with Sections 159 to 165 of Act.

- S160: Health Services 100% Rebate
- S161: Community Services 75% Rebate (this section now applied to Housing Associations and Cooperatives)
- S162: Religious Purposes 100% Rebate
- S163: Public Cemeteries 100% Rebate
- S164: Royal Zoological Society of SA 100% Rebate
- S165: Educational Purposes 75% Rebate

Where Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, Council will grant the rebate accordingly.

Where Council is not satisfied it will require the person or body to lodge an application in accordance with this policy.

Where a person or body is entitled to a mandatory rate rebate of 75% only, Council may increase the rebate up to a further 25%.

Council may grant this further 25% rebate upon application.

Discretionary Rebates

Council may apply discretionary rebates under Section 166 of the Act.

Council currently provides discretionary rebates for Council owned land that is leased or licensed by sporting bodies and various community organisations.

Council may also provide a discretionary rebate to community service organisations that occupy land that would otherwise be exempt or non-rateable.

Eligibility for a rebate is based on the provision of evidence, to Council's satisfaction, that significant community service has been, and continues to be provided to the community by that organisation.

Applications for a discretionary rebate by community services organisations under Section 161 of the Act must be in writing and require the following information and documentation to be provided:

- A Statutory Declaration signed by an officer of the organisation, who has the appropriate delegated authority, attesting to eligibility under the Act. Council has Statutory Declarations prepared in a specific format and these must be used when applying for a rebate. These forms will be supplied upon application to Council's Senior Officer – Rating Services on 8372 8156.
- A copy of the organisation's Constitution.
- A set of financial statements or documentation that confirms the applicant provides community services without charge or for a charge that is below the cost to the body of providing the services – eg an auditor's letter of confirmation.
- Any other documentation applicable to support the application.

Council, having addressed issues of equity arising from circumstances where ratepayers claim to provide or maintain infrastructure that might otherwise be provided or maintained by the Council, has decided there will be no adjustment to the rates payable unless exceptional circumstances can be demonstrated.

In this context, infrastructure provided by retirement villages for the use of their residents upon the land owned and/or occupied by the villages will, therefore, generally not be eligible for a rebate of rates.

Council will advise an applicant for a rebate of its determination of that application in due course, after receiving the application and receiving all information requested by the Council. The advice will state if the application has been granted, the amount of the rebate; or if the application has not been granted, the reasons why.

With regard to prescribed discretionary rate rebates Council will take into account, in accordance with Section 166(1a) of the Act, the following matters:

- The nature and extent of Council services provided in respect of the land for which the rebate is sought, in comparison to similar services provided elsewhere in the Council's area;
- The community need that is being met by activities carried out on the land for which the rebate is sought;
- The extent to which activities carried out on the land, for which the rebate is sought, provides assistance or relief to disadvantaged persons; and
- Such other matters as Council considers relevant.

Council may take into account other matters considered relevant by Council including, but not limited to, the following:

- Why there is a need for financial assistance through a rebate;
- The level of rebate (percentage and dollar amount) being sought and why it is appropriate;
- The extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;
- Whether the applicant has made or intends to make applications to another Council;

- Whether, and if so to what extent, the applicant is or will be, providing a service within the Council area;
- Whether the applicant is a public sector body, a private not-for-profit body or a private for profit body;
- Whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;
- The desirability of granting a rebate for more than one year;
- Consideration of the full financial consequences of the rebate for Council;
- The time the application is received;
- The availability of any community grant to the person or body making the application;
- Whether the applicant is in receipt of a community grant; and
- Any other matters and policies of Council, which Council considers relevant.

Council may grant a rebate of rates on such conditions as Council thinks fit.

Council may, for proper cause, determine that an entitlement to a rebate of rates under the Act no longer applies.

The Chief Executive Officer has delegated authority from Council to assess all applications for rebates or remissions. The Chief Executive Officer advises Council of his assessment of each application and prepares an annual report of all applications.

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