



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Rating Policy

POLICY MANUAL: Governance

BACKGROUND

Section 123 of the *Local Government Act 1999* (The Act) requires Councils, as part of the Annual Business Plan, to have a rating policy which must be prepared and adopted each financial year in conjunction with the declaration of rates. The Council's power to raise rates and the framework within which the Council must operate is outlined in Chapter 10 of the Act.

Scope

The purpose of the Policy is to outline the Council's approach to determining and collecting rates from the community. In determining the Policy, the Council is committed to the principles that apply to the imposition of taxes on the community.

Equity: Ratepayers with the same property value should pay the same level of tax.

Benefit: Ratepayers should receive some benefit from the tax paid, but not necessarily to the extent of tax paid. Rates are not a fee-for-service.

Simplicity: The tax must be understandable and easy to collect.

Consistent: Taxes should be internally consistent, based on transparent and predictable rules.

Economic Efficiency: The tax imposed should not distort economic behaviour. For example, a tax which is designed to change behaviour, and that behaviour changes, then the tax is considered efficient.

These principles may be in conflict with each other, therefore the Council must strike a balance between the:

- application of the principles of taxation;
- policy objective of levying rates;
- need to raise revenue; and
- the effect of the tax on the community.

The Council has considered each principle when determining its Rating Policy.

POLICY

Strategic Focus

The Council must balance its service levels, the needs and expectations of the community and the levying of rates to ensure it is adequately resourced to fulfil its roles and responsibilities. In determining rates for the financial year, the Council gives primary consideration to strategic directions, budget considerations, the current economic climate and the likely impacts on the community.

The resources required to successfully achieve this outcome are documented in the Annual Business Plan and Annual Budget. The Annual Budget directly supports and reflects the delivery of the Council's Strategic Plan, *City Plan 2030*.

The Council's major source of revenue is Rates Revenue, derived as a tax on land within the Council area. Rate levels are determined after consideration of expenditure priorities in relation to the Council's Strategic Plan *City Plan 2030*, the Long-Term Financial Plan, Asset Management Plans, the Annual Business Plan, ongoing service delivery requirements and community needs.

The Council recognises the importance of supporting and encouraging a diverse and healthy commercial sector and this is reflected in its strategic plans. As a result, specific business development initiatives are being introduced to support and attempt to broaden the City's economic base. Strategic and Business Planning for various precincts are an example of the work being progressed in this area.

Rating Structure

All land within a Council area is rateable, except for land specifically exempted under Section 147(2) of the Act. This includes:

- unalienated Crown land;
- land used or held by the Crown or an instrumentality of the Crown for a public purpose (including an educational purpose), except any such land—
 - that is held or occupied by the Crown or instrumentality under a lease or licence; or
 - that constitutes domestic premises;
- land (not including domestic or residential premises) occupied by a university established by statute;
- land that is exempt from rates or taxes by virtue of the *Recreation Grounds Rates and Taxes Exemption Act 1981*;
- land occupied or held by the Council, except any such land held from a Council under a lease or licence;
- land occupied by a subsidiary where the land is situated in the area of the Council that established the subsidiary or a constituent Council (as the case may be);
- land occupied or held by an emergency services organisation under the *Fire and Emergency Services Act 2005*;
- land that is exempt from Council rates under or by virtue of another Act.

Method Used to Value Land

Pursuant to Section 151 of the Act, the Council may adopt one of three valuation methodologies to value the properties. The valuation methodologies are:

- Capital Value – The value of the land and all of the improvements on the land.
- Site Value – The value of the land and any improvements which permanently affect the amenity of use of land such as drainage works, but excluding the value of buildings and other improvements.
- Annual Value – The valuation of the rental potential of the property.

The Council adopts Capital Value as the basis for valuing land within the Council area.

The Council considers the Capital Value method of valuing land, is the fairest method of distributing the rate burden across all ratepayers, on the following basis:

- property value is a good indicator of wealth. Capital Value, which closely approximates the market value of a property, provides the best indicator of overall property value;
- the equity principle of taxation requires taxpayers of similar wealth pay similar taxes, so taxpayers of greater wealth pay more tax than taxpayers of lesser wealth.

Adoption of Valuations

The Council adopts the Capital Valuations as assessed by Land Services SA, effective at 1 July as the Capital Value of each property.

If a ratepayer is dissatisfied with the valuation made by Land Services SA, the ratepayer may object to Land Services SA in writing, within sixty (60) days of receiving the first notice of the valuation, explaining the basis for the objection provided the ratepayer has not:

- (a) previously received a notice of this valuation under the Act, in which case the objection period is sixty (60) days from the receipt of the first notice; or
- (b) previously had an objection to the valuation considered by Land Services SA.

Note: The sixty (60) day objection period may be extended by the Valuer-General where it can be shown there is reasonable cause. Contact details to lodge an objection are included on the Rates Notice sent by the Council.

The Council has no role in the assessment of objections. It is important to note that the lodgement of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the Rate Notice unless otherwise notified by the Council.

Differential General Rates

Pursuant to Section 153 of the Act, the Council can impose a general rate on all rateable land/or a differential rate based on location of land and/or the use to which the land is put. In applying the equity and benefit principles, the Council will apply a differential rate based on the use of the land.

Definitions of land use are prescribed by regulation and are categorised as follows for rating purposes:

- Residential;
- Commercial – Shop;
- Commercial – Office;
- Commercial – Other;
- Industrial – Light;
- Industrial – Other;
- Primary Production;
- Vacant Land; and,
- Other

If a ratepayer believes a particular property has been incorrectly classified as to its land use, then an objection may be made to the Council within sixty (60) days of being notified of the land use classification. It is important to note that the lodgement of an objection does not alter the due date for the payment of rates. Rates must be paid in accordance with the Rate Notice unless otherwise notified by the Council.

For the 2023-2024 financial year, the Council has determined that the following differential rates will be applied to all of its rateable assessments:

Land Use	Differential Rate Cents-in-the-Dollar	% of Rate Revenue
Residential	0.18285	79.17%
Commercial	0.21942	16.43%
Industrial	0.21942	0.85%
Primary Production	0.21942	0.01%
Vacant Land	0.21942	1.24%
Other	0.21942	2.3%

Minimum Rate

A Council may impose a minimum rate to properties within the Council area in accordance with Section 158 of the Act.

The minimum rate is imposed so that all rateable properties make a base level contribution to the costs of:

- administering the Council's activities;
- the provision of the physical infrastructure that supports each property and is available for use by all ratepayers;
- services provided that are available for use by all ratepayers e.g. Library and Parks and Gardens.

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.

The minimum rate will increase at the same percentage increase in general rate revenue. Pursuant to Section 158(2) (d), the minimum rate will not be applied to more than 35% of properties in the Council area.

For 2023-2024, the minimum rate is set at \$1,228. The minimum rate has been applied to 6,761 assessments or 32.66% of all rateable properties within the Council area.

The Parade Separate Rate

For the purposes of promotion, enhancing business viability and profitability of the businesses and traders along The Parade, pursuant to Section 154 of the Act, the Council has previously declared The Parade Separate Rate. The revenue raised from The Parade Separate Rate may only be used for the purpose of promotion and enhancing business viability for those businesses located within The Parade Precinct.

The Council declared a differential separate rate of 0.04378 cents-in-the-dollar will be levied against all properties which fall within The Parade Precinct with a land use classified as Category (b) – Commercial Shop or Category (c) – Commercial Office or Category (d) – Commercial Other or Category (e) - Industrial Light.

Pursuant to Section 166(1)(a) of the Act, the Council will grant a discretionary rebate of 50% of The Parade Separate Rate to all properties that fall within the geographical boundary described above and which have a land use of Category (c) – Commercial Office and Category (d) – Commercial Other land use classified as Professional Services.

Regional Landscape Levy

The Regional Landscape Levy is a State Government tax which the Council is required to collect under the *Landscape South Australia Act 2019*, in order to make a specified contribution to the funding of the operations of the Green Adelaide Board. Revenue collected from this levy is not retained by the Council and the Council does not determine how the revenue raised is allocated by the State Government.

The Council's contribution to the Green Adelaide Board is collected from property owners through a separate rate, the Regional Landscape Levy, based on Capital Value. The rate is fixed and calculated to raise the equivalent amount as Council's share to be contributed to the Green Adelaide Board, taking into account any rebates/remissions under Section 159-166 of the Act.

The Regional Landscape Levy is separate to the General Rates levied by the Council.

For the 2023-2024 Financial year, the Council will collect \$1.5million for the payment of the State Government Regional Landscape Levy. The Regional Landscape Levy has been set at 0.00743 cents-in-the-dollar against all rateable properties.

Private Laneways Separate Rate

Within the City of Norwood Payneham & St Peters, there are a number of Private Laneways which provide pedestrian and vehicular access to residential properties and businesses, and access routes to adjoining roads and destinations.

The Council recognises the difficulties that face residents and businesses that rely upon Private Laneways for access to their properties, and acknowledges that the Council is often the only authority which has the capacity to provide a solution. As such, the Council has determined to progressively assume responsibility for selected Private Laneways within the City, through implementation of the statutory process set out in Section 210 of the *Local Government Act 1999* (the Act), to convert Private Laneways to Public Roads, whereby its ownership will vest in the Council.

For the purposes of recovering the cost of converting a Private Laneway to a Public Road, the Council may declare a Separate Rate over the relevant part of the Council area amounting to a rates liability against each Adjoining Allotment to the laneway.

Pursuant to Section 154 of the Local Government Act, the Council has not declared a Separate Rate for this purpose in 2023-2024.

Payment of Rates

Council rates will be due in four (4) instalments - 8 September 2023, 8 December 2023, 8 March 2024 and 7 June 2024. The total outstanding balance of rates may be paid in full at any time.

The Council provides various methods to enable the payment of rates. Payment methods are detailed on the Rates Notice. In addition, regular pre-payments of Council Rates are allowed of \$30 or more at any time and can be made at any Council office, via BPay, via Australia Post BillPay or by the Council website.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard arrangements should contact the Council's Rates & Revenue Officer on 8366 4554 to discuss alternative payment arrangements. Such enquiries are treated confidentially by the Council.

Late Payment of Rates

The Council has determined that penalties for late payments will be imposed in accordance with the provisions of Section 181(8) of the Act and relevant Council procedures.

Late payment fines are levied in accordance with the provisions of Section 181(8) of the Act.

Any ratepayer who may, or is likely to, experience difficulty with meeting the standard instalments and due dates can contact the Council to discuss alternative payment arrangements. Fines and interest are still levied in accordance with the Act while there is an arrears balance.

The Council will consider applications for remissions of fines in certain extenuating circumstances. A request for waiver of fines should be made in writing, setting out detailed reasons why a fine remission has been requested, or may be submitted on the Application for Remission of Rates and/or Fines Form.

When the Council receives a payment in respect of overdue rates, the Council will apply 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 chronological order (starting with the oldest account first).

Recovery of Rates

The Council will issue one (1) Reminder Notice for payment of rates when rates remain unpaid by the due date. Rates, which remain in arrears for a period exceeding 30 days, will be subject to recovery action in accordance with the Council's Credit Policy.

Sale of Land for Non-payment of Rates

Section 184 of the Act provides that a Council may sell any property where the rates have been in arrears for three (3) years or more.

Before a Council sells land in pursuance of this section, it must send a notice to the principal ratepayer at the address appearing in the assessment record stating:

- a) the period for which the rates have been in arrears; and
- b) the amount of the total liability for rates presently outstanding in relation to the land; and
- c) that if that amount is not paid in full within one (1) month of service of the notice (or such longer time as the Council may allow), the Council intends to sell the land for non-payment of rates.

Except in extraordinary circumstances, the Council will enforce the sale of land for arrears of rates.

Remission and Postponement of Rates

Application for remission of rates and charges or postponement of rates will be considered under the discretionary provisions of Sections 181 and 182 of the Act.

Requests must be lodged in writing or may be submitted on the Application for Remission or Postponement of Rates and/or Fines form. All requests must provide evidence of financial hardship. Monthly interest at the prescribed rate will be applied to rates postponed under the Section 182.

Such enquiries are treated confidentially by the Council.

Postponement of Rates for Seniors

Section 182A of the Act sets out the criteria that applies for a senior ratepayer to be eligible for the postponement of payment of rates.

Applications must be lodged in writing and must provide evidence of eligibility plus other evidence as required. Requests must be lodged on the Application Form for Postponement of Rates. Monthly interest at the prescribed rate will be applied to rates postponed under Section 182A.

Where an application for postponement under Section 182A is granted, a presumption of ongoing annual postponement will be assumed. If an entitlement of postponement ceases to exist, the owner of the land must inform the Council in writing of that fact.

Ratepayers requesting postponement of rates will initially be referred to the availability of reverse mortgage loans through financial institutions. Seniors granted postponement of rates are required to pay a minimum of \$500 of rates and charges levied in each financial year in compliance with the Local Government (General) Regulations.

Such enquiries are treated confidentially by the Council.

Rebate of Rates

Rebates of rates will be only granted when the applicant satisfies the requirements for Mandatory Rebates pursuant to Section 159 to Section 165 of the Act.

Applications for discretionary rebates lodged under Section 166 of the Act, will be considered under Council's Rate Rebate Policy.

Rate Capping Rebate

Pursuant to Sections 153(3) and 153(4) of the Act, the Council will grant a rebate of General Rates to the principal ratepayer of a residential assessment where there is a significant increase in the rates payable as a result of a rapid change in the property value, and where that property is their principal place of residence.

For the 2023-2024 financial year, the rebate will be automatically applied where the increase in rates payable from one financial year to the next financial year is greater than 17%.

Where this rebate is not automatically applied, ratepayers who consider they are eligible for the Rate Cap Rebate may lodge an application form, which will be assessed against the eligibility criteria. The application must be lodged by 30 June in the financial year that the rates are declared.

The rebate will not apply where:

- (a) any such increase is due in whole or in part to an increase in valuation of the land because of improvements made to it are worth more than \$30,000, or
- (b) any such increase is due in full or part to the use of the land for rating purposes on the date the Council declared its General Rates for the 2023-2024 financial year being different than the land use on the date the Council declared its General Rates for the 2022-2023 financial year, or
- (c) any such increase is in whole or part because of a change in the zoning of the land; or
- (d) the ownership of the property has changed since 1 January 2022.

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 the Rates and Revenue Officer on 8366 4554 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied, they should write to the Chief Executive Officer.

REVIEW PROCESS

The Council will review this Policy within 12 months of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Rates and Revenue Officer, telephone 8366 4554.

ADOPTION OF THE POLICY

The Rating Policy was adopted by Council on 3 July 2006.
The Rating Policy was adopted by Council on 2 July 2007.
The Rating Policy was adopted by Council on 7 July 2008.
The Rating Policy was adopted by Council on 6 July 2009.
The Rating Policy was adopted by Council on 5 July 2010.
The Rating Policy was adopted by Council on 4 July 2011.
The Rating Policy was adopted by Council on 2 July 2012.
The Rating Policy was adopted by Council on 1 July 2013.
The Rating Policy was adopted by Council on 7 July 2014.
The Rating Policy was adopted by Council on 6 July 2015.
The Rating Policy was adopted by Council on 4 July 2016.
The Rating Policy was adopted by Council on 3 July 2017.
The Rating Policy was adopted by Council on 2 July 2018.
The Rating Policy was adopted by Council on 1 July 2019.
This Policy was reviewed by the Audit Committee on 25 May 2020.
The Rating Policy was adopted by Council on 6 July 2020.
This Policy was reviewed by the Audit Committee on 24 May 2021.
The Rating Policy was adopted by Council on 5 July 2021.
This Policy was reviewed by the Audit Committee on 23 May 2022.
The Rating Policy was adopted by Council on 4 July 2022.
The Rating Policy was adopted by the Council on 10 July 2023.

TO BE REVIEWED

May 2024