

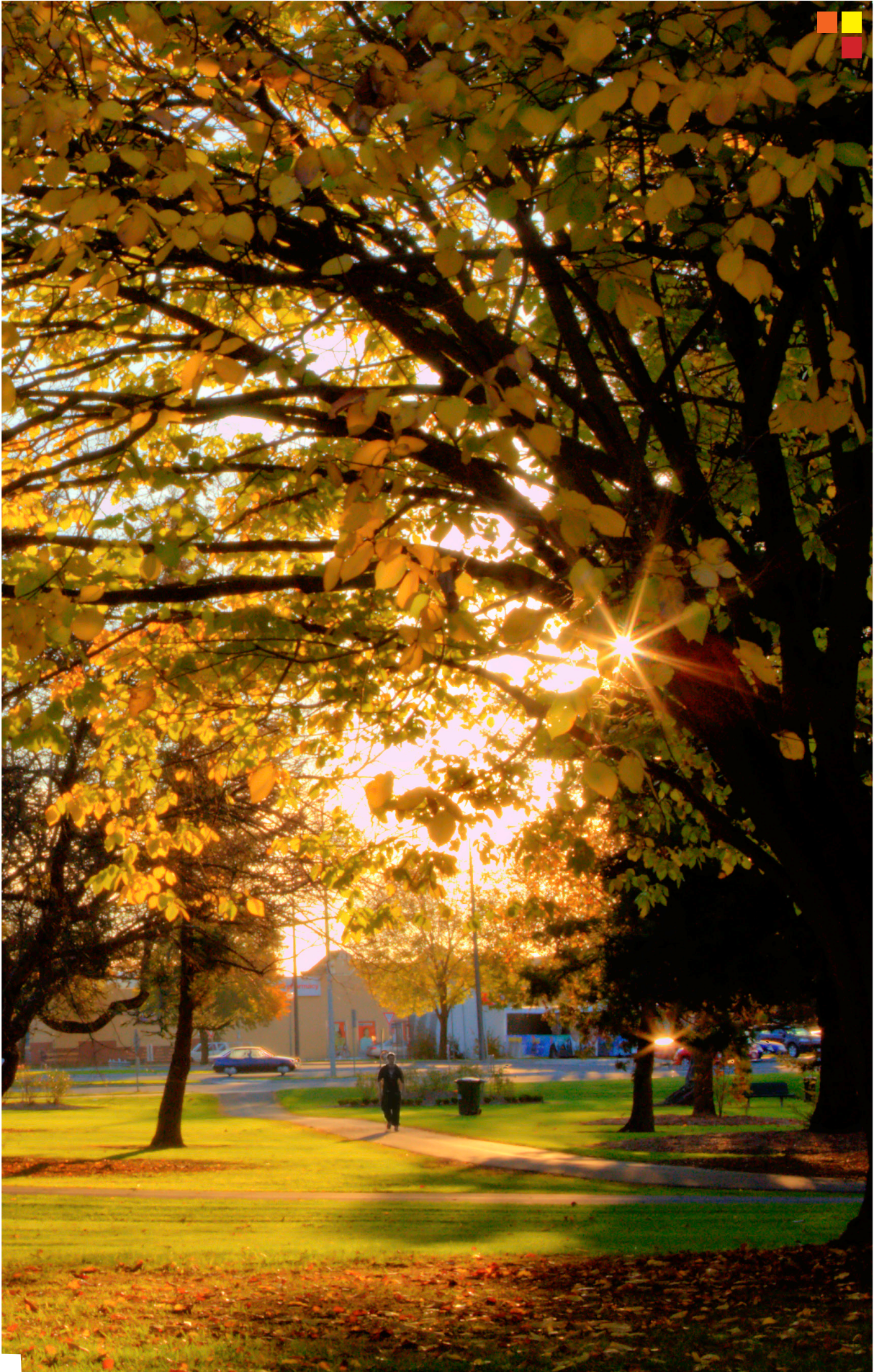
Latrobe City Council



RATING STRATEGY

2017-18

Adopted by Council: 19 June 2017



LATROBE CITY COUNCIL

Rating Strategy 2017-2018

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Introduction

Under the *Local Government Act 1989 (Act)*, a primary objective of all Victorian Local Governments is to ensure the equitable imposition of rates and charges (section 3C(f)). The purpose of this Rating Strategy is to consider Council's rating options under the Act, and how Council's choices in applying these options contribute towards meeting an equitable rating strategy.

It is important to note from the outset that the focus of this strategy is very different to that which is discussed in the Annual Budget. In the Annual Budget the key concern is the quantum of rates required to be raised for Council to deliver the services and capital expenditure required. In this Strategy, the focus instead is on how this **quantum** will be **equitably distributed** amongst Council's ratepayers.

The Rating Strategy will canvass the limited range of rating options available to Council under the Act, including the following:

- a. the choice of which valuation base to be utilised (of the three available choices under the Act);
- b. the consideration of uniform rating versus the application of differential rating for various classes of property;
- c. the most equitable level of differential rating across the property classes;
- d. the application of a municipal charge
- e. consideration of the application of fixed service charges for the areas of waste collection and municipal administration;
- f. the application of special rates and charges;
- g. the application of other levies under the *Planning & Environment Act 1987*; and
- h. a review of the rate payment dates and options available to Council.

Executive Summary and Recommendations

The selection of rating philosophies and the choice between the limited rating options available under the Act is a challenge for all councils to develop. It is most likely that a perfect approach is almost impossible to achieve in any Local Government environment.

Three key platforms currently form the basis of the current approach to rating at Latrobe City Council that is recommended for continuation. They are that:

- a. rates will continue to be based principally on an ad-valorem basis (i.e. based on the valuation of the various properties);
- b. Council will continue to apply a service charge to fully recover the cost of the collection and disposal of waste;
- c. Council will continue to apply differential rating to ensure all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council; and
- d. Council continues to levy a Municipal charge.

This proposed strategy recommends that Council adopts the following approach to rating for 2017/18.

SECTION	STRATEGY RECOMMENDATIONS
Valuation Base	Council uses the Capital Improved Value (CIV) method of valuation
Rating System (Uniform or Differential)	Council continues to apply differential rating as its rating system.
Differential rates	Council applies the following differential rates: General Rate Farm Rate Derelict Properties In addition, assessments eligible under the <i>Cultural and Recreational Lands Act 1963</i> receive concessional rates
Residential Land	The General Rate will be applied to all residential properties
Commercial Land	The General Rate will be applied to all Commercial properties
Industrial Land	The General Rate will be applied to all Industrial properties
Farm Land	Farm land that meets the definition of Farm Land as defined in this document will be eligible for the Farm Rate Differential which is set at 75% of the General Rate
Vacant Land	The General Rate will apply to all Vacant Land
Derelict Properties	Derelict properties are defined under Section 6 below. The differential is set at the maximum level of 4 times the lowest differential rate.
Retirement Villages	The General Rate will apply to all Retirement Village properties
Cultural and Recreational Land	There are two types of rebate offered <ul style="list-style-type: none"> • Non- Gaming Venues • Gaming Venues Assessments must meet the definition of cultural and recreational land in accordance with the <i>Cultural and Recreational Lands Act 1963</i> . Non Gaming Venues will be eligible for a rate rebate of 50% of the general rate, and Gaming Venues will be eligible for a rate rebate of 40% of the general rate. Each application is assessed on a case by case basis in accordance with the requirements of the Act. Additional rebate amounts are provided to two golf course assessments where land values have been impacted due to past changes in land zoning
Municipal Charge	Council applies a Municipal Charge in accordance with the Local Government Act.
Service Rates and Charges	A service charge is applied to Council's kerbside waste collection service. The service consists of collection areas and a mandatory three bin system within these collection areas. It includes the collection and disposal of household waste, recyclables and green waste
EPA Levy	The State Government EPA Levy on waste delivered to landfill is charged in addition to the waste charge and applies to each garbage bin service and will continue to be separately disclosed on the rates notice
Special Rates	Special Rates and Charges will continue to apply where special benefit can be shown to exist to a group of individual land owners for defined capital projects (e.g. gravel road sealing, footpaths etc.).
Rate Rebate for Land with a Deed of Covenant for Conservation Purposes	A Rates Rebate equating to a fixed amount of \$100 per property plus \$5 per hectare, will be available for land with a Deed of Covenant for Conservation purposes.
Payment of Rates and Charges	Council offers the option to pay rates by either the mandatory rate instalments option or the lump sum option in accordance with the Local Government Act.
Eligible Pension Rebate	Council continues to manage the State Government Pension Rebate scheme. Council does not provide any additional council rebate for eligible pensioners.



1

What is a Rating Strategy and why have one?

The purpose of this strategy is to ensure that Council considers rate revenue and how the burden can be most equitably distributed among the community.

What is a rating strategy?

A rating strategy is the method by which Council systematically considers factors of importance that informs its decisions about the rating system. The rating system determines how Council will raise money from properties within the municipality. It does not influence the total amount of money to be raised. Rather, it concerns the share of rate revenue contributed by each property. The rating system comprises the valuation base for each property and the actual rating instruments allowed under the Act to calculate property owners' liability for rates.

The importance of a rating strategy

Latrobe City Council currently receives in the order of 59% of its Total Revenue by way of property-based rates and waste charges. The development of strategies in respect of the rating base is therefore of critical importance to both Council and the community.

The principles of good governance further require Council to provide ongoing or periodic monitoring and review of the impact of major decisions. It is therefore essential for Council to evaluate on a regular basis, the legislative objectives to which it must have regard and those other objectives which Council believes are relevant.

Council's approach to the raising of rate revenue is in line with its goal of providing transparency and accountability in its decision-making.

2

Rating – the Legislative Framework

The purpose of this section is to outline the legislative framework within which Council operates its rating system and the various matters that Council must consider when making decisions on rating objectives.

2.1 LEGISLATIVE FRAMEWORK

The *Local Government Act 1989*, Part 1A, Section 3C stipulates that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of its decision. In seeking to achieve its primary objective, Council must have regard to a number of facilitating, or supporting, objectives, set out in section 3C(2) of the Act, one of which is to ensure the equitable imposition of rates and charges.

The issue of equity must therefore be addressed in the rating strategy, and this strategy has paid careful attention to this aspect.

2.2 CONSIDERATION OF EQUITY

Having determined that Council must review its rating strategy in terms of the equitable imposition of rates and charges, the difficulty becomes how to define and determine what is in fact equitable in the view of Council.

In considering what rating approaches are equitable, some concepts that Council may take into account are:

Horizontal equity, which refers to justice or fairness in the treatment of like properties, in other words, that similar rates are paid by similar properties. On the proviso that Council valuations fairly reflect the true valuation of like properties, horizontal equity will be achieved.

Vertical equity, which refers to justice or fairness in the treatment of properties in different circumstances. (e.g. different property types –

Residential/ Commercial/ Industrial / Farming/ Vacant / Developed).

In the case of property rates, it may be considered equitable for one type of property to have to bear more or less of the rates burden than another type of property. In achieving vertical equity in its rating strategy, Council must consider the valuation base it chooses to adopt to apply property rates and the application of the various rating tools available to it under the Act (e.g. differential rates).

Linkage of property wealth to capacity to pay, which recognises that the valuation of property is an imperfect system in which to assess a resident's ability to pay annual rates but one which Council is restricted to under the Act. A frequently raised example is pensioners who live in their family home which carries a high value, but live on a pension. The equity question for consideration however is whether Council should support residents in this situation with lower rates that will eventually be to the financial benefit of estate beneficiaries, or whether the ability to defer rates (in all or in a part) represents a more equitable outcome for all ratepayers.

The Benefit principle, which concerns one of the more misunderstood elements of the rating system, being that residents seek to equate the level of rates paid with the amount of benefit they individually achieve. The reality is however that rates are a system of taxation not dissimilar to PAYG tax.

In paying a tax on salaries, it is rarely questioned what benefit is received with it being acknowledged that tax payments are required to pay for critical services (Health, Education, etc) across the nation. Local Government is no different, with Rates being required to subsidise the delivery of services and capital works that would otherwise be unaffordable if charged on a case by case basis.

It is a choice of Council to what degree it pursues a 'user pays' philosophy in relation to charging for individual services on a fee-for-service basis. Similarly,

RATING – THE LEGISLATIVE FRAMEWORK
 2.2 CONSIDERATION OF EQUITY
 (Continued)

Council must make a rating decision in terms of whether to use a fixed waste charge to reflect the cost of waste collection and a fixed municipal charge to defray the administrative costs of Council. Both of these choices are discussed later in this Rating Strategy.

The recommended approaches in this Rating Strategy in terms of equity are discussed further under each section.

What Rates and Charges may a Council declare?

Section 155 of the Act provides that a Council may declare the following rates and charges on rateable land-

General Rates under section 158;

Municipal Charges under section 159;

Service Rates and Charges under section 162; and

Special Rates and Charges under section 163.

The recommended strategy in relation to municipal charges, service rates and charges and special rates and charges are discussed in sections 8, 9 and 10 of this Rating Strategy.

Valuation Methodology available to Council

In raising Council rates, Council is required to primarily use the valuation of the rateable property to levy rates.

Section 157(1) of the Act provides Council with three choices in terms of which valuation base to utilise. They are Site Valuation, Capital Improved Valuation and Net Annual Value. The advantages and disadvantages of the respective valuation basis are discussed in section 5 of this Rating Strategy.

Declaring Rates and Charges

Section 158 of the Act provides that Council must, at least once in respect of each financial year, declare by 30 June the following for that year: -

the amount which Council intends to raise by way of general rates, municipal charges, service rates and service charges;

whether the general rates will be raised by application of –

a uniform rate; or

differential rates (if Council is permitted to do so under section 161(1) of the Act; or

urban farm rates, farm rates or residential use rates (if Council is permitted to do so under Section 161A of the Act).

Council's approach to the application of differential rates is discussed in section 6 of this Rating Strategy.





Understanding the rating framework at Latrobe City Council

Latrobe City Council currently applies the Capital Improved Valuation method of valuation in order to levy its rates. Council applied two differential rating categories for 2016/17.

Council rates are calculated as follows:

Rate in the dollar X Property Value = Council rates

As an example the "rate in the dollar" for a residential occupied property valued at \$300,000 in 2016/17 would be \$1,427.05

(\$300,000 X 0.00475684 = \$1,427.05) plus municipal charge, waste charges and State Government charges

RATING CATEGORIES 2017/18 YEAR

2017/18 RATING CATEGORY	NO. OF RATING UNITS	CAPITAL IMPROVED VALUE	RATES REVENUE
Residential	34,454	\$8,392,277,000	\$39,920,685
Commercial	1,754	\$1,227,884,000	\$5,840,843
Industrial	910	\$420,213,000	\$1,998,884
Farm	1,094	\$715,222,000	\$2,551,647
Recreational – Non Gaming	11	\$21,133,000	\$26,570
Recreational - Gaming	4	\$19,820,000	\$56,568
Total Rateable Properties	38,227	\$10,796,549,000	\$50,395,198

In terms of the differential rates that Council applies, the below table sets out the existing differential rating structure.

RATING CATEGORY	2016/17 RATE IN \$	2016/17 RELATIVE TO GENERAL	2017/18 PROPOSED RATE IN \$	PROPOSED 2017/18 RELATIVE TO GENERAL
Residential	0.00466490	1.00	0.00475557	1.00
Commercial	0.00466490	1.00	0.00475557	1.00
Industrial	0.00466490	1.00	0.00475557	1.00
Farm	0.00349867	0.75	0.00356668	0.75
Derelict Properties	N/A	N/A	0.01426672	3.00
Recreational – Non Gaming	Various	Various	Various	Various
Recreational – Gaming	0.00279864	0.60	0.00285334	0.60

UNDERSTANDING THE RATING FRAMEWORK AT LATROBE CITY COUNCIL
 RATING CATEGORIES 2017/18 YEAR
 (Continued)

Council currently utilises a service charge to fully recover the cost of fulfilling its waste collection and disposal function.

The following represents the waste charges. These charges are levied under section 162 of the Act.

CHARGE DESCRIPTION	NUMBER OF SERVICES	PROPOSED UNIT RATE 2017/18	ESTIMATED TOTAL INCOME 2017/18
Garbage Charge -120L	32,477	\$215.00	\$6,982,555
Garbage Charge -240L	1,124	\$317.00	\$356,308
Garbage Charge -240L Special	998	\$245.00	\$244,510
Recycle	34,621	\$54.00	\$1,869,534
Green Waste	31,472	\$48.00	\$1,510,656
Landfill Levy	34,596	\$20.40	\$705,758
TOTAL			\$16,755,157

Council currently applies a municipal charge for the purpose of defraying administration costs of Council.

CHARGE DESCRIPTION	NUMBER OF SERVICES	PROPOSED UNIT RATE 2017/18	ESTIMATED TOTAL INCOME 2017/18
Municipal Charge	37,954	\$134.00	\$5,085,836





Determining which valuation base to use

As outlined above, under the Act, Council has three options for the valuation base it elects to use.

They are:

- a. **Capital Improved Valuation (CIV)** – Value of land and improvements upon the land
- b. **Site Valuation (SV)** – Value of land only
- c. **Net Annual Value (NAV)** – Rental valuation based on CIV. For residential and farm properties, NAV is calculated at 5 per cent of the Capital Improved Value. For commercial and industrial properties NAV is calculated as the greater of the estimated annual rental value or 5 per cent of the CIV.

4.1 CAPITAL IMPROVED VALUE

CIV is the most commonly used valuation base by Victorian Local Government with over 70 Councils applying this methodology. Based on the value of both land and all improvements on the land, it is relatively easy to understand for ratepayers as it equates the market value of the property.

Section 161 of the Act provides that a Council may raise any general rates by the application of a differential rate if it –

- a. **uses the capital improved value system of valuing land; and**
- b. **considers that a differential rate will contribute to the equitable and efficient carrying out of its functions.**

Where a council does not utilise CIV, it may only apply limited differential rates in relation to farm land, urban farm land or residential use land.

Advantages of using CIV

- CIV includes all improvements, and hence is often supported on the basis that it more closely reflects “capacity to pay”. The CIV valuation method takes into account the full development value of the property and hence better meets the equity criteria than SV and NAV.
- With the increased frequency of valuations

(two year intervals), the market values are more predictable and this has reduced the level of objections resulting from valuations. The concept of the market value of property is far more easily understood with CIV rather than NAV or SV.

- Most councils in Victoria have now adopted CIV, which makes it easier to compare relative movements in rates and valuations across and between councils' municipal districts.
- The use of CIV allows councils to apply differential rates so as to equitably distribute the rating burden based on ability to afford rates. CIV allows Council to apply higher rating differentials to the commercial and industrial sector that offset residential rates.

Disadvantages of using CIV

- The main disadvantage with CIV is the fact that rates are based on the total property value, which may not necessarily reflect the income level of the property owner, as with pensioners and low income earners.

4.2 SITE VALUE

With valuations based simply on the valuation of land and with only very limited ability to apply differential rates, the implementation of SV would cause a shift in rate burden from the industrial/commercial sectors onto the residential sector.

In many ways, it is difficult to see an equity argument being served by the implementation of SV.

Advantages of Site Value

- There is a perception that, under SV, a uniform rate would promote development of land, particularly commercial and industrial developments. There is however little evidence to prove that this is the case.

Disadvantages in using Site Value

- Under SV, there would be a significant shift from the Industrial/Commercial sector onto the residential and farming sector of Council.

DETERMINING WHICH VALUATION BASE TO USE

4.2 SITE VALUE

DISADVANTAGES IN USING SITE VALUE

(Continued)

- SV is a major burden on property owners that have large areas of land. Some of these owners may have much smaller/older dwellings compared to those who have smaller land areas but well developed dwellings - but will pay more in rates. A typical example is flats, units and townhouses which will all pay low rates compared to traditional housing styles.
- The use of SV can place pressure on Council to give concessions to categories of landowners on whom the rating burden is seen to fall disproportionately (e.g. farm land, urban farm land and residential use properties). Large landowners, such as farmers for example, are disadvantaged by the use of SV.
- SV will reduce Council’s rating flexibility and options to deal with any rating inequities due to the removal of the ability to levy differential rates.
- The rate-paying community has greater difficulty in understanding the SV valuation on their rate notices, as indicated by many inquiries from ratepayers on this issue handled by Council’s Customer Service and Property Revenue staff each year.

4.3 NET ANNUAL VALUE

NAV, in concept, represents the annual rental value of a property. However, in practice, NAV is closely linked to CIV for Residential Land and Farm Land. Valuers derive the NAV directly as 5 per cent of CIV.

In contrast to the treatment of Residential Land and Farm Land, NAV for Commercial and Industrial Land is assessed with regard to actual market rental. This differing treatment of has led to some suggestions that all properties should be valued on a rental basis.

Overall, the use of NAV is not supported. For ratepayers in respect of Residential Land and Farm Land, actual rental values poses some problems. The artificial rental estimate used may not represent actual market value, and means the base is the same as CIV but is harder to understand.

In choosing a valuation base, councils must decide on whether they want to adopt a differential rating system (different rates in the dollar for different property categories) or a uniform rating system (same rate in the dollar). If a council was to choose the former, under the Act, it must adopt either of the CIV or NAV methods of rating.

4.4 SUMMARY

It is recommended that Council continues to apply CIV as the valuation base for the following reasons:

- CIV is considered to be the closest approximation to an equitable basis for distribution of the rating burden.
- CIV provides Council with the ability to levy a full range of differential rates. Only limited differential rating is available under the other valuation bases.
- It should be noted that an overwhelming majority of Victorian councils apply CIV as their valuation base and, as such, it has a wider community acceptance and understanding than the other rating bases.



5

Determining the Rating System - Uniform or Differential?

Council may apply a uniform rate or differential rates as a means of raising revenue. They are quite different in application and have different administrative and appeal mechanisms that need to be taken into account.

5.1 UNIFORM RATE

Section 160 of the Act stipulates that, if a council declares that general rates will be raised by the application of a uniform rate, the council must specify a percentage as the uniform rate. Rates will be determined by multiplying that percentage by the value of the relevant land.

Council has not adopted uniform rates. Since amalgamation, it has instead chosen to adopt a differential rating system.

5.2 DIFFERENTIAL RATES

Under the Act, Council is entitled to apply differential rates provided that it uses CIV as its basis for rating.

Council has since its inception adopted the differential rating system as it considers that this provides a greater ability to achieve equitable distribution of the rating burden, particularly considering the farming sector.

Differential rates in the dollar of CIV can be applied to different classes of property, which must be clearly differentiated and the setting of differentials must be used to improve equity and efficiency. There is no legislative limit on the number of differential rates that can be levied, however, the highest differential rate can be no more than four times the lowest differential rate.

Council, in striking the rate through the annual budget process sets the differential rate for set classes of properties at higher or lower amounts than the general rate. Currently there are only two different levels of rates being General and Farm rates.

Advantages of a differential rating system

The perceived advantages of utilising a differential rating system are:

- Greater flexibility to distribute the rate burden between all classes of property
- Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create inequitable outcomes (eg Farming enterprises)
- Allows Council discretion in the imposition of rates to 'facilitate and encourage appropriate development of its municipal district in the best interest of the community.

Disadvantages of Differential Rating

The perceived disadvantages in applying differential rating are that:

- Justification of the differential rate can at times be difficult for the various rating groups to accept, giving rise to queries, objections and complaints where the differentials may seem excessive or unjustified.
- Differential rating involves a degree of administrative complexity as properties continually shift from one type to another (eg residential to farm, vacant to improved) requiring Council to update its records. Maintaining the accuracy/integrity of Council's database is critical in ensuring that properties are correctly classified into their differential categories.
- Council may not achieve the objectives it aims for through differential rating. For example, Council may set its differential rate objectives to levy a higher rate on vacant land, hoping to encourage development, however, it is uncertain whether a differential rate would achieve such objectives.

6

What differential rates should be applied?

6.1 GENERAL RATE

The general rate is the particular rate in the dollar that applies to all land which is not defined within a differential rate (a differential rate is currently only applied to farms), and includes residential, commercial and industrial properties, both vacant and improved..

The actual rating burden applying to general properties is an outcome determined by decisions to apply either higher or lower rates in the dollar to other classes of property, such as farm, commercial/ industrial or recreational land.

In the setting of differential rates, Council consciously considers their relativity to the general rate.

6.2 FARM RATE

Council currently has 1,094 farm assessments.

Historically a lower rate has been applied to farms, the basis for this decision being that, in general, farmers require larger landholdings in order to run efficiently, and this would effectively result in disproportionately high rates in relation to the income or surplus able to be generated from these properties.

Farm properties represent 2.9% of Council's assessments, contributing 5.1% of rate revenue. Council recognises their responsibility to ensure that the farm rate is enjoyed by deserving ratepayers. The problem arises in identifying "genuine" farms, as opposed to "hobby farms".

The *Valuation of Land Act 1960* sets out the definition of Farm Land for valuation purposes, and defines "farm land" as any rateable land:

- that is not less than 2 hectares in area and;
- that is used primarily for grazing (including agistment), dairying, pig farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing

or the growing of crops of any kind or for any combination of those activities; and

- that is used by a business
 - that has a significant and substantial commercial purpose or character; and
 - that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
 - that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

This definition of farm land is also used for rating purposes.

In summary, it is Council's opinion that:

- due to the large tracts of land required to meet the definition of Farm Land it is recognized that if a differential rate was not in place then farmers would be required to contribute a disproportional amount of Council's rates revenue.
- evidence shows that returns able to be realised by farming from the assets employed (including land) are lower than for other forms of land, so that its capacity to pay is lower;
- rate relief should continue to be provided to farming/agriculture because of its importance to the local economy

6.3 DERELICT PROPERTIES

Latrobe City Council proposes the introduction in the 2017/2018 Annual Budget of a differential rate relating to derelict properties across the municipality. The differential rate is proposed to be set at the maximum level, being 4 times the lowest differential rate, as allowed under Section 161 (5) of the Local Government Act 1989.

The objective of the differential rate is to promote the responsible management of land and buildings through incentivising the proper development and maintenance of such land and buildings so as not to pose a risk to public safety or adversely affect public amenity.

For the purposes of applying the differential rate, properties, which include both buildings and/or land, will be considered derelict where 1 and 2 apply –

1. The property is in such a state of disrepair that it is unfit for human habitation or other occupation, and has been in such a condition for a period of more than 3 months.
 - The definition of “unfit for human habitation or other occupation” is a property that is unsuitable for living or working in on a daily basis. The property is likely to lack, or have restricted access to, essential services or facilities including but not limited to water, and/or operational effluent discharge facilities, and the property is considered unsafe or unsuitable for use as a place of business or domestic inhabitation on a daily basis.

and

2. The property meets one or more of the following criteria –
 - a. The property has become unsafe and poses a risk to public safety, including but not limited to:
 - the existence on the property of vermin, rubbish/litter, fire hazards, excess materials/goods, asbestos or other environmental hazards; or
 - the property is a partially built structure where there is no reasonable progress of the building permit;

- b. The property adversely affects public amenity;
- c. The property provides an opportunity to be used in a manner that may cause a nuisance or become detrimental to the amenity of the immediate area;
- d. The condition of the property has a potential to adversely impact the value of other properties in the vicinity;
- e. The property affects the general amenity of adjoining land or the neighbourhood by the appearance of graffiti, any stored unregistered motor vehicles, machinery or parts thereof, scrap metal, second hand building materials, building debris, soil or similar materials, or other items of general waste or rubbish.

The assessment of properties will be determined by Council’s authorised officers.

6.4 RETIREMENT VILLAGES

Retirement village property is any property, which is defined as a Retirement Village under the *Retirement Villages Act 1986*. In accordance with the Ministerial Guidelines on Differential Rating, a Council must give consideration to reducing the rates burden through the use of a reduced differential rate for Retirement Village Land.

The determination of where a differential rate should apply should reflect the level of service provided and ensures that reasonable rate relativity is maintained between retirement village property and other classes of property.

Latrobe City Council has 9 registered retirement villages within the municipality.

The villages located within the municipality are largely non self-sufficient and continue to rely heavily on Council services. Therefore they are not seen to provide sufficient internal services to warrant the application of a differential rate. The introduction of a differential rate would result in a greater portion of the rates burden being shifted to other low income households and pensioners.



Cultural & Recreational Land:

The *Cultural and Recreational Lands Act 1963 (CRL Act)* provides for a council to grant a rating concession in respect of any "recreational lands" which are rateable land under the Act.

The definition of "recreational lands" under section 2 of the CRL Act is lands which are:

- vested in or occupied by any body corporate or unincorporated body which exists for the purpose of providing or promoting cultural or sporting recreational or similar facilities or objectives and which applies its profits in promoting its objects and prohibits the payment of any dividend or amount to its members; and
- used for outdoor sporting recreational or cultural purposes or similar outdoor activities; or
- used primarily as agricultural showgrounds.

Section 169 of the Act, provides an opportunity for Council to grant a concession for properties described by definition as a sporting club under the CRL Act.

There are currently two levels of rebate provided based on the type of premises and include;

1. *Non-Gaming Premises (Rebate of 50% of the General Rate)*
Eligible assessments that do not have gaming/ gambling facilities at the premises
2. *Gaming Premises (Rebate of 40% of the General Rate)*
Eligible assessments that provide gaming/ gambling facilities on the premises

The division in rebates recognises that assessments with gaming facilities have a greater capacity to earn income, and therefore have a greater capacity to pay.

In addition to the standard rebate amounts there is also recognition that in 2010 the land associated with the Yallourn Golf Club was rezoned as part of a greater area rezoning initiated by an adjoining landowner. This resulted in a substantial increase in land valuation that would have ultimately resulted in a substantial increase in rates payable. It was recognised that the Golf Club would be unable to afford to continue operating should Council enforce the above calculation method so it was agreed to maintain the rates at the existing level prior to the rezoning plus annual indexation in line with the annual rate increase.

Similarly, an error in valuation at the Traralgon Golf Course associated with zoning was uncovered in 2012 which also resulted in a substantial increase in land valuation. The same methodology as Yallourn Golf Club was applied to the calculation of rates.

Both Traralgon and Yallourn Golf Clubs therefore received a rebate in excess of the 50% outlined above.

The rebate system is reassessed annually as part of the budget process.





Special Rates & Charges

Special rates and charges are covered under Section 163 of the Act, which enables Council to declare a special rate or charge or combination of both for the purposes of:

- Defraying any expenses, or
- Repaying with interest any advance made or debt incurred or loan raised by Council

In relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.

Section 185 of the Act provides appeal rights to the Victorian Civil and Administrative Tribunal (VCAT) in relation to the imposition of a special rate or charge. VCAT has wide powers, which could affect the viability of the special rate or special charge.

Council currently utilises Special Charges to recover the costs of sealing urban residential streets, where the benefit can be attributed to the residents of those streets. Council is mindful of the issue of proving that special benefit exists to those that are levied the rate or charge.



Municipal Charge

Another principle rating option available to Councils is the application of a municipal charge. Under Section 159 of the Act, Council may declare a municipal charge to cover some of its administrative costs. The legislation is not definitive on what comprises administrative costs and does not require Council to specify what is covered by the charge. A Council's total revenue from a municipal charge in a financial year must not exceed 20 per cent of the combined sum total of the Council's total revenue from the municipal charge and the revenue from general rates.

The arguments in favour of a municipal charge are similar to waste charges. They apply equally to all properties and are based upon the recovery of a fixed cost of providing administrative services irrespective of valuation. The same contribution amount per assessment to cover a portion of Council's administrative costs can be seen as an equitable method of recovering these costs.

The argument against a municipal charge is that this charge is regressive in nature and would result in lower valued properties paying higher overall rates and charges than they do at present. The equity objective in levying rates against property values is lost in a municipal charge as it is levied uniformly across all assessments.

Council's current position is that all assessments should equally contribute to the administrative costs of running Council and therefore a Municipal Charge is currently applied.



10

Service Rates and Charges

Section 162 of the Act provides Council with the opportunity to raise service rates and charges for any of the following services:

- a. the provision of a water supply;
- b. the collection and disposal of refuse;
- c. the provision of sewerage services;
- d. any other prescribed service.

Council currently applies a Service Charge for the collection and disposal of refuse on properties that fall within the collection area. Council's waste collection service consists of a three bin system which includes Garbage collected on a weekly basis and Recycle and Green Waste which is collected fortnightly on alternative weeks. Council retains the objective of setting the Waste Service Charge for waste at a level that fully recovers the cost of fulfilling the waste collection and disposal function.

The advantage of the Waste Service Charge is that it is readily understood and accepted by residents as a fee for a direct service that they receive. It further provides equity in the rating system as those residents who do not live in a collection area are not required to contribute to the cost of the service through general rates.

11

EPA Levy Charge

The Victorian Government through the Environment Protection Authority (EPA) levies all landfill sites with a landfill levy which is based on the amount of waste entering landfills on an annual basis.

In 2010/11, Council decided to separately disclose the EPA Levy on the rates notice after the State Government substantially increased the annual charge.

This separate cost is shown on Rates Notices in the interests of greater transparency. The cost of the levy is influenced by two drivers – one is the volume of waste going into landfill, and the second is the price per tonne levied by the EPA.

Council estimates the average annual garbage waste to landfill per property at 0.65 tonnes.



12

Rate Payment Options

There are only two options available under the Act for Council to set due dates for payment of rates. The first is an option of a lump sum payment on a fixed date (which is set as 15 February of each year) and the second is a mandatory instalment approach where quarterly payments are required at the end of September, November, February and May. Under this second approach, residents can elect to pay instalments in advance at any point.

Council has elected to maintain the options offered within the Act of both instalments and an annual payment option.

The current profile of rate payments shows a reasonably steady history over the last four years of approximately 60% of councils 38,603 ratepayers paying by the traditional means of instalments or annual payments with the balance being either agreed payment arrangements or other non-agreed payment arrangements.

36% (14,047) of ratepayers currently utilise the instalment program as their preferred method while 24% (9,265) pay in full by the 15 February under the lump sum option.

A future consideration of Council will need to be whether the full payment option should be retained. Council has experience a significant increase in the number of ratepayers seeking payment assistance through alternative payment arrangements and ratepayers defaulting on payments. The current annual payment option effectively restricts council from engaging ratepayers until after the full payment due date.

There are a number of advantages to consider regarding the removal of the option to pay by lump sum in February each year. These include;

Council has the ability to identify struggling payers much earlier in the process, which provides the ratepayer with additional time to implement payment arrangements than would be the case if Council does not become aware of the issue until February.

It provides improved cash flow. Council operates under a 1 July to 30 June financial year, and issues annual rates notices in August of each year. Under the lump sum payment arrangement Council needs to self-fund all expenditure through to February. During this time, Council is required to continue to provide operational services and capital works which will place considerable strain on council's cash flow as the impact of rate capping is realised.

It brings Council into closer alignment with virtually every other utility service provider.

Finally, it is the experience of Council that ratepayers are better able to manage and plan their household finances for four instalments, rather than the single, significant payment required under the lump sum payment option, which, falling mid-February, follows on the heels of the expense of Christmas.

Council considers its options annually as part of the budget process, any change to the current arrangement will require community consultation and a reasonable lead time to enable ratepayers to adjust.

Latrobe City Council

Information within this document was correct at time of print and is subject to change without prior notice.

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