

Revenue and Rating Plan

2021-2024



Horsham Rural City Council

Revenue and Rating Plan 2021-2024

Updated June 2024

Amendment Register

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1.1 PURPOSE

The *Local Government Act 2020 (the Act)*, Section 93 requires council to prepare a Revenue and Rating Plan to cover a minimum period of four years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which Council proposes to work. The Act does not prescribe the content that the plan must cover.

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Horsham Rural City Council which in conjunction with other income sources will adequately finance the objectives in the Council Plan.

This plan is an important part of Council’s integrated planning framework, all of which is created to help Council achieve its vision and that of the communities.

Strategies outlined in this plan align with the objectives contained in the Council Plan 2021-2025 and will feed into the budgeting and long-term financial planning documents, as well as other strategic planning documents under our Council’s strategic planning framework as depicted in the diagram below.



Rating & Revenue Plan 2021-2024

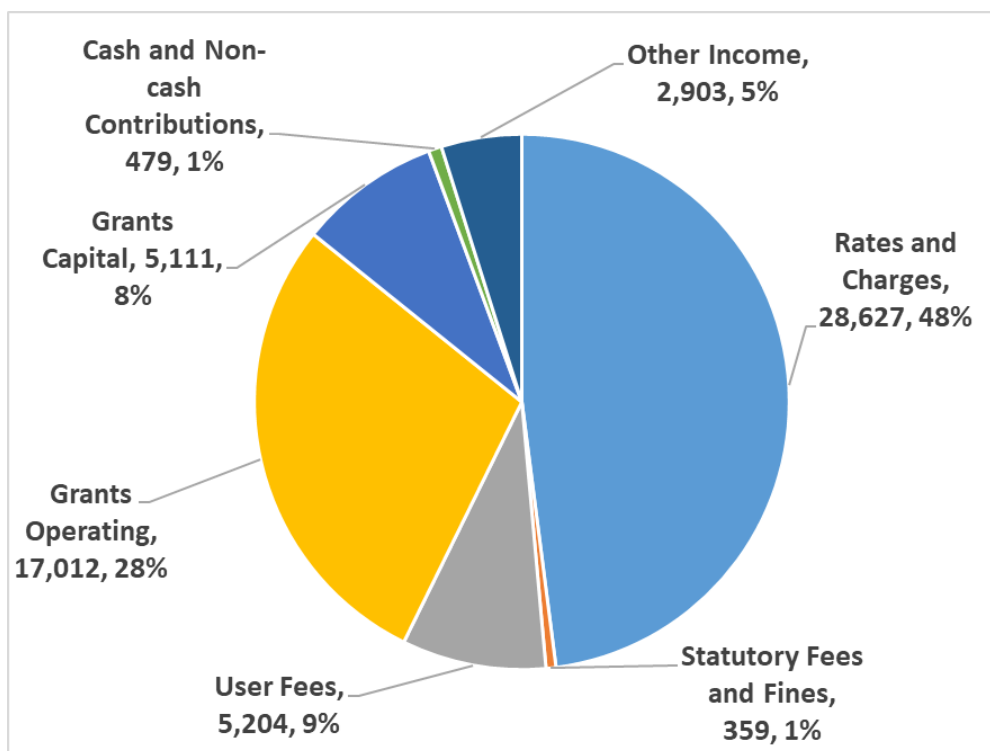
This plan explains how Council calculates the revenue needed to fund its activities, and how the funding contributions will be apportioned between ratepayers and other users of Council facilities and services.

In particular, this plan sets out principles and policy positions that Council has made in relation to rating options available to it under the *Local Government Act 2020* to ensure the fair and equitable distribution of rates across property owners. It will also set out principles that are used in decision making for other revenue sources such as fees and charges.

It is important to note that this plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue. Decisions around revenue targets are set out in Council's Budget and long-term financial planning documents.

1.2 INTRODUCTION

Council provides a number of services and facilities to our local community, and in doing so, must collect revenue to cover the cost of providing these services and facilities.



Council's revenue sources in the 2020-21 Annual Report include:

- Rates & Charges (includes Waste)
- Grants from other levels of Government for Capital
- Grants from other levels of Government for Operations
- Statutory Fees and Fines
- User Fees
- Cash and non-cash contributions from other parties (i.e. developers, community groups)
- Other income including Interest from investments, sale of assets, rents.

Rates are the most significant revenue source for Council and made up 48% of annual income in 2020-21, although this percentage fluctuates depending upon the level of grant funding received in any given year.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The FGRS continues to restrict Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in community assets remain key priorities for Council.

Council provides a wide range of services to the community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to statutory or discretionary services. Some of these, such as statutory planning fees, are set by State Government statute and are commonly known as regulatory fees. In these cases, councils usually have no control over service pricing. However, in relation to other services, Council has the ability to set a fee or charge and will set that fee based on the principles outlined in this Revenue and Rating Plan.

Council's revenue can also be adversely affected by changes to funding from other levels of government. Some grants are tied to the delivery of council services, whilst many are tied directly to the delivery of new community assets, such as roads or sports pavilions. There is a significant untied grant also from the Federal Government's Financial Assistance Grant (FAGS) which is provided to council by the Victorian Grants Commission, under a complex formula to address fiscal imbalances between councils.

It is important for Council to be clear about what grants it intends to apply for, and the obligations that grants create in the delivery of services or infrastructure.

HISTORY

In 2005 Council developed a Rating Strategy, which was adopted in conjunction with the adoption of the 2005-06 Budget. Council has annually reviewed this strategy as part of its budget process, but in 2013-14 as a response to budget submissions received, it undertook a more detailed review of its entire Rating Strategy in order to investigate the concerns raised by some sectors within the community.

Further to this the Victorian Auditor General's Report into the results from the 2012-13 audits highlighted the need for councils to "apply a robust and strategic approach to the collection and use of revenue through rates and charges" and to improve the quality of the Rates Strategy and to implement a Rating Policy. Council during the 2013-14 review thoroughly examined the various elements of its current rating package, the objective being to consider ways in which these could be varied to "more equitably distribute the rates contribution across the municipality".

In the 2018-19 year Council formed the Rates Strategy Review Advisory Committee (Committee) to provide community input and opinion on the setting of key rating principles in the review of the Council's 2018-19 Rates Strategy, and to make recommendations to Council on revisions to the Rates Strategy and an overarching Rates Policy. A key outcome of which was to achieve a fair and equitable distribution of the rate burden across all members of the community. The Committee made 5 overall recommendations with 18 parts in total, Council, at its meeting in January 2019, accepted 13 and rejected 5 and later rejected/modified a further 2 of the accepted recommendations when adopting the final Strategy in April 2019.

The requirements for a Revenue & Rating Plan have been legislated through the *Local Government Act 2020* but that does not include a requirement for a Rating Policy. As such in order to simplify what is a complex area the previous Rating Policy and Rating Strategy have now been combined into a single Revenue & Rating Plan.

1.3 EXECUTIVE SUMMARY AND CHANGES

Changes for the 2024-25 Year are summarised as follows:

1. As the Policy trigger of +3.5% for all valuation categories was met, Council reviewed all rating differentials with the only change being the commercial differential (previously 95%) being removed.

The 2023-24 Year can be summarised as follows:

1. Council has increased its additional “Council funded” rebate to pensioners from \$30 to \$50. This is over and above the state government rebate.
2. As the policy trigger of +3.5% of the Farm General Valuation has been met, the Differential has been reviewed but will remain at 50% of the residential rate.
Some of the reasoning behind this decision was that currently residential properties share the same % of the total CIV Value, (approx. 46% of the total value of all properties respectively) but residential properties are now responsible for nearly double the rates revenue than Farm. This would indicate that both vertical and horizontal equity, benefits as well as residential “capacity to pay” have reached their limit concerning altering the differential in the 2023-24 budget.
3. As the policy trigger of -3.5% of the Commercial General Valuation has been met, the Differential has been reviewed but no change is recommended, and it remains at 95%.
4. As the policy trigger of -3.5% of the Industrial General Valuation has been met the Differential has been reviewed but no change is recommended, and it remains at 100%.
5. Municipal Charge – The charge has been reviewed and will remain constant at \$200. Some of the reasoning for leaving the Municipal charge steady in the 2023-24 year is it will further disadvantage higher valued Farm and Residential properties if the charge were to drop, as a higher differential would have to be calculated. A flat fee provides horizontal equity to evenly spread the cost of services over the municipality.

The changes that were made to Council’s policy positions and rating parameters for 2022-23 are summarised as follows:

Differentials:

1. As the policy trigger of +3.5% of the General Valuation has been met the Farm Differential has been reviewed and it will be reduced by 9% from 59% to 50%. This has been done to recognize the large increase in value for the farm sector this year and the need to ensure that rating shocks are mitigated to some degree.
2. As the policy trigger of -3.5% of the General Valuation has been met the Commercial Differential has been reviewed but no change is recommended, and it remains at 95%
3. As the policy trigger of -3.5% of the General Valuation has been met the 95% Industrial Differential has been reviewed and it will be removed returning the Industrial Sector to the General Rate.
4. There is no differential for Retirement Villages, and this will remain unchanged.

Municipal Charge – The charge has been reduced from \$240 to \$200, a reduction of \$40 or 16.7%. This change will assist vertical equity and transfer more of the rate contribution from lower valued properties to higher valued properties.

Interest on overdue debts – Council has modified its policy to not charge interest on outstanding rates where the rate payer is experiencing financial hardship, has put in place a payment plan and is meeting their obligations under that payment plan.

1.4 COMMUNITY ENGAGEMENT

The Revenue and Rating Plan outlines Council's decision-making process on how revenues are calculated and collected. The following public consultation process was followed to ensure due consideration and feedback was received from relevant stakeholders.

Revenue and Rating Plan community engagement process:

- Draft Revenue and Rating Plan was placed on public exhibition at (26 April 21) Council meeting for a period of 42 days and calling for public submissions;
- Community encouraged to engage together with the budget, promoted through local news outlets, social media; e-newsletters, website & councilor listening posts:
- Hearing of public submissions (9 June 21); and
- The final Revenue and Rating Plan was presented to (28 June 21) Council meeting for adoption.
- The revision to the Rating Plan in 2022 was distributed to the community with the Draft Budget on 23 May 2022 and the community was invited to make submissions on the proposed changes.

During the 42-day community engagement process in 2021 council received four submissions in relation to rates. Three were in relation to the level of the farm differential and municipal charge and one was in relation to the rates affordability for pensioners and those less well off in the community.

1.5 RATES AND CHARGES

Rates are property taxes that allow Council to raise revenue to fund essential public services to cater for their municipal population. Importantly, it is a taxation system that includes flexibility for councils to utilise different tools in its rating structure to accommodate issues of equity and to ensure fairness in rating for all ratepayers. Whilst the Local Government Act 2020 requires this Revenue and Rating Plan many of the rating requirements remain as per the Local Government Act 1989.

Council has established a rating structure comprised of three key elements. These are:

- General Rates – Based on property values (using the Capital Improved Valuation methodology), which are indicative of capacity to pay and form the central basis of rating under the *Local Government Act 1989*;
- Service Charges - A 'user pays' component for council services to reflect benefits provided by Council to ratepayers who benefit from a service; and
- Municipal Charge - A 'fixed rate' portion per property to cover some of the administrative costs of Council.

Striking a proper balance between these elements will help to improve equity in the distribution of the rate burden across residents.

Council makes a further distinction when applying general rates by utilising rating differentials based on the purpose for which the property is used. That is, whether the property is used for residential, commercial/industrial, or farming purposes. This distinction is based on the concept that different property categories should pay a fair and equitable contribution, taking into account the benefits those properties derive from the local community.

The Horsham Rural City Council rating structure comprises four differential rates, residential commercial, industrial, and farm. These rates are structured in accordance with the requirements of Section 161 'Differential Rates' of the *Local Government Act 1989*, and the Ministerial Guidelines for Differential Rating 2013.

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The differential rates are currently set as follows:

- Residential 100%
- Commercial 100%
- Industrial 100%
- Farm land 50%

Cultural and Recreational rates levied on recreational land are based on capital improved valuations at concessional rates in the dollar of between 0% for those with little other sources of revenue and 50% of the general rate with significant revenue raising capacity.

Council also levies a municipal charge which is a minimum rate per property and declared for the purpose of covering some of the administrative costs of Council. In applying the municipal charge, Council ensures that each ratable property in the municipality makes a contribution.

The formula for calculating General Rates, excluding any additional charges, arrears or additional supplementary rates is:

- Valuation (Capital Improved Value) x Rate in the Dollar (Differential Rate Type)

The rate in the dollar for each rating differential category is included in Council's annual budget.

Rates and charges are an important source of revenue, accounting for over 50% of operating revenue received by Council. The collection of rates is an important factor in funding Council services.

Planning for future rate increases is therefore an essential component of the long-term financial planning process and plays a significant role in funding both additional service delivery and the increasing costs related to providing Council services.

Council is aware of the balance between rate revenue (as an important income source) and community sensitivity to rate increases. With the introduction of the State Government's Fair Go Rates System, all rate increases are capped to a rate declared by the Minister for Local Government, which is announced in December for the following financial year.

Council currently utilises a service charge to fully recover the cost of Council's waste services and provide for future landfill rehabilitation costs. The waste service charge is not capped under the Fair Go Rates System, and Council will continue to allocate surplus funds from this charge towards the provision of waste services for the 2023-24 year. The service is based on the type and size of the services provided. A recycling service is also included for residential waste service recipients and some outer urban areas. During 2020 the State Government announced a "4 Bins" policy which requires all councils across the state to provide four waste stream services as far as practicable across the community, being for general waste, commingled recycling (excluding glass), glass & organic waste. Council commenced this new service during 2022-23.

A rebate of \$30 in addition to the State funded Pensioner Rebate Scheme is paid to eligible pensioners. In 2023-24 this was increased to \$50.

Rates and Charges Overall Principles to be applied are that:

- Property Rates will be reviewed annually;
- Property Rates will not change dramatically from one year to next;
- Property Rates will be sufficient to fund current expenditure commitments and deliverables outlined in the Council Plan, Financial Plan and Asset Plan.
- Council acknowledge that a discount given to one sector will need to be picked up by other sectors
- Council will be mindful of the impacts of revaluation on the various property types in implementing any differential rating to ensure that rises and falls in council rates remain affordable and that rating 'shocks' are mitigated to some degree

1.5.1 RATING LEGISLATION

The legislative framework is set out in the *Local Government Act 1989* and has not yet been included in the *Local Government Act 2020*. It determines Council's ability to develop a rating system and provides significant flexibility for Council to tailor a system that suits its needs.

Section 155 of the *Local Government Act 1989* 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
- 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 later in this document.

In raising Council rates, Council is required to primarily use the valuation of the rateable property to levy rates. Section 157 (1) of the *Local Government Act 1989* provides Council with three choices in terms of which valuation base to utilise. They are Site Value, Capital Improved Value (CIV) and Net Annual Value (NAV).

The advantages and disadvantages of the respective valuation basis are discussed further in this document. Whilst this document outlines Council's strategy regarding rates revenue, rates data will be contained in the Council's Annual Budget as required by the *Local Government Act 2020*.

Section 94(2) of the *Local Government Act 2020* states that Council must adopt a budget by 30 June each year (or at another time fixed by the Minister) to include:

- a) the total amount that the Council intends to raise by rates and charges;
- b) a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate;
- c) a description of any fixed component of the rates, if applicable;
- d) if the Council proposes to declare a uniform rate, the matters specified in section 160 of the *Local Government Act 1989*;
- e) if the Council proposes to declare a differential rate for any land, the matters specified in section 161(2) of the *Local Government Act 1989*;

Section 94(3) of the *Local Government Act 2020* also states that Council must ensure that, if applicable, the budget also contains a statement –

- a) that the Council intends to apply for a special order to increase the Council's average rate cap for the financial year or any other financial year; or
- b) that the Council has made an application to the Essential Services Commission for a special order and is waiting for the outcome of the application; or
- c) that a special order has been made in respect of the Council and specifying the average rate cap that applies for the financial year or any other financial year.

This plan outlines the principles and strategic framework that Council will utilise in calculating and distributing the rating contribution of property owners, however, the quantum of rate revenue and rating differential amounts will be determined in the annual Horsham Rural City Council budget.

In 2019 the Victorian State Government conducted a Local Government Rating System Review. The Local Government Rating System Review Panel presented their final report and list of recommendations to the Victorian Government in March 2020. The Victorian Government subsequently published a response to the recommendations of the Panel's report. However, at the time of publication the recommended changes have not yet been implemented, and timelines to make these changes have not been announced. Council wrote to the Minister for Local Government in early 2021 to express concern that the State has not implemented all of the recommendations from the Rate Review Panel and has therefore not addressed the underlying problems in the system.

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The response back from the Minister was “I am committed to developing a Bill in 2021 that will introduce reforms to the local government rating system to increase transparency and available support to vulnerable ratepayers. This Bill will also be informed by the Ombudsman’s investigations into how local councils respond to ratepayers in financial hardship”, no Bill has been introduced as at June 2024.

1.5.2 RATING PRINCIPLES

The Victorian Government’s Local Government Better Practice Guide: Revenue and Rating Strategy 2014 states that when developing a rating strategy, in particular with reference to differential rates, a council should give consideration to the following key good practice taxation principles:

- Wealth Tax
- Equity
- Efficiency
- Simplicity
- Benefit
- Capacity to Pay
- Diversity

Many of these principles conflict with one another so the rating challenge for Council is to determine the appropriate balance of these competing considerations.

a) **Wealth Tax**

Council supports the principle that rates paid are dependent upon the value of the ratepayer’s real property. To ensure that people in similar economic circumstances are treated similarly.

Issues: There is a direct relationship between property holdings and disadvantage – less wealthy people tend to own lower valued housing stock. Property owners with higher valued assets generally have a greater capacity to pay.

Policy: Council considers the wealth tax principle a good starting point in developing its Revenue and Rating Plan.

b) **Equity (Horizontal)**

Council considers issues of horizontal equity, to ensure that people in similar economic circumstances are treated similarly.

Issues: Levels of Government with more diverse taxing and investigative powers and resources struggle to achieve this and use a broad range of taxing instruments from income and assets tests, consumption versus income taxation etc. It is difficult to expect a property tax system alone to deal practically with this issue.

Policy: Council will consider (where possible) issues of horizontal equity in its Revenue and Rating Plan.

c) **Equity (Vertical)**

Council considers issues of vertical equity, i.e. the amount of tax to be paid varies in accordance with an individual’s economic circumstances.

Issues: Economic circumstances can be very subjective, depending upon how we define and measure this. Similar circumstances may be judged differently based on wealth, income and expenditure. Information around individual economic circumstances is not freely available to Council.

Policy: Council will consider (where possible) issues of vertical equity in its Revenue and Rating Plan.

d) Efficiency

Council considers issues of economic efficiency, i.e. the level of rates burden can affect the extent to which production and consumption decisions are made by people.

Issues: Efficiency can be defined as the ratio of ends produced (outputs) to means used (inputs). Being more efficient, means that the burden on ratepayers can be reduced or ratepayer's utility can be increased by limited resources being diverted to more productive areas. For services where users are price sensitive, direct charging can influence demand patterns and thus lead to greater allocative efficiency.

Policy: Council will consider (where possible) issues of efficiency in its Revenue and Rating Plan.

e) Simplicity

Council considers issues of simplicity, i.e. the complexity of the rating system affects how easily it can be understood by ratepayers and the practicality and ease of administration.

Issues: All reviews of taxation have argued that simplicity is a critical goal. The simpler the rating system is, the easier it is for ratepayers to understand, but the simplicity principle can often conflict with other principles.

Policy: Council will consider (where possible) issues of simplicity in its Revenue and Rating Plan.

f) Benefit

Council considers the "benefit" or "user pays" principle. The benefit principle points to the fact that some groups may have more access to Council services.

Issues: More use of user charges, special rates and service charges lend themselves better to dealing with the issue of benefit. Another issue to consider here is that of the degree of "public" good in a service. A public good is something where it is difficult or impractical to exclude non-payers from the benefit. A user charge can be used where the benefit of a particular service can be mapped to an individual ratepayer. A comprehensive analysis of access to services is extremely costly, complex and difficult to determine with many subjective judgement calls to be made. In some ways arguing the benefit principle with respect to Council rates is like trying to do the same for income tax that is used to fund a wide range of universally accessed services. It might be argued that a country ratepayer derives less benefit from library services or street lighting than their town counterparts, but the reverse may be argued with respect to the cost of repairing rural roads that are seldom travelled on by the urban ratepayer. Many services are not location specific. Access is not synonymous with consumption.

Residents can travel or use technology to access services. Services provided in different locations within the municipality have different costs e.g. waste collection in rural areas may be more costly than in urban areas etc. Rates are a property wealth tax based on valuation of properties and not based upon access to services. Services are available on a "whole of life" basis i.e. different services are accessed at different points during a person's life.

Policy: Council will consider user pays opportunities wherever practicable.

g) Capacity to Pay

Council considers issues of capacity to pay, i.e. that some groups may have a greater or lesser capacity to pay (i.e. asset rich but income poor).

Issues: Council does not have access to income information for ratepayers. This would be necessary to assess this aspect of rating equity. Individuals may apply on hardship grounds to have their rates

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waived, deferred or interest waived and in doing so need to provide Council with some of this information.

Policy: Council will consider (where possible) issues of capacity to pay in its Revenue and Rating Plan.

h) Diversity

Council considers issues of diversity, that is that some ratepayers within a group may have a greater or lesser capacity to pay (i.e. urban versus rural).

Issues: Council does not have access to income information for ratepayers. This would be necessary to assess this aspect of rating equity. Individuals may apply on hardship grounds to have their rates waived, deferred or interest waived and in doing so need to provide Council with some of this information. Establishing sub-groups may lead to an overly complex rating system.

Policy: Council will consider (where possible) issues of diversity in its Revenue and Rating Plan.

1.5.3 DETERMINING WHICH VALUATION BASE TO USE

Under the *Local Government Act 1989*, Council has three options as to the valuation base it elects to use. They are:

- Capital Improved Value (CIV) – Value of land and improvements upon the land.
- Site Value (SV) – Value of land only.
- Net Annual Value (NAV) – Rental valuation based on CIV.

a) Capital Improved Value (CIV)

Capital Improved Value is the most commonly used valuation base by local government with over 90% of Victorian councils applying this methodology. Based on the value of both land and all improvements on the land, it is generally easily understood by ratepayers as it equates to the market value of the property.

Section 161 of the *Local Government Act 1989* provides that a Council may raise any general rates by the application of a differential rate if –

- a) It uses the capital improved value system of valuing land; and
- b) It 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 Capital Improved Value (CIV)

- CIV includes all property improvements, and hence is often supported on the basis that it more closely reflects “capacity to pay”. The CIV rating 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 (previously two-year intervals, now annual intervals) the market values are more predictable and has reduced the level of objections resulting from valuations.
- The concept of the market value of property is 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 councils.
- The use of CIV allows Council to apply differential rates which greatly adds to Council’s ability to equitably distribute the rating burden based on ability to afford council rates. CIV allows Council to apply higher rating differentials if this is also deemed fair and equitable.

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.

b) Site Value (SV)

There are currently no Victorian councils that use this valuation base. With valuations based simply on the valuation of land and with only very limited ability to apply differential rates, the implementation of Site Value in a Horsham Rural City Council context would cause a shift in rate contribution from the industrial, commercial and residential sectors on to the farm sector, and would hinder Council's objective of a fair and equitable rating system.

There would be further rating movements away from modern townhouse style developments on relatively small land parcels to older established homes on quarter acre residential blocks. In many ways, it is difficult to see an equity argument being served by the implementation of site valuation in the Horsham Rural City Council.

Advantages of Site Value

- There is a perception that under site value, 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.
- Scope for possible concessions for urban farm land and residential use land.

Disadvantages of using Site Value

- Under SV, there will be a significant shift from the industrial, commercial and residential sectors on to the farm sector of Council. The percentage increases in many cases would be in the extreme range.
- SV is a major burden on residential 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, or 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 and residential use properties). Large landowners, such as farmers for example, are disadvantaged by the use of site value.
- 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 community may have 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.

c) Net annual value (NAV)

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.

NAV, in concept, represents the annual rental value of a property. However, in practice, NAV is loosely linked to capital improved value for residential and farm properties.

In contrast to the treatment of residential and farm properties, NAV for commercial and industrial properties are assessed with regard to actual market rental. This differing treatment of commercial and industrial versus residential and farm properties has led to some suggestions that all properties should be valued on a rental basis.

Overall, the use of NAV is not largely supported. For residential and farm ratepayers, actual rental values pose 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.

d) Recommended valuation base

Of the 79 Councils in the state, 75 use CIV as the valuation method (2021 information). Use of CIV allows the use of differential rates.

Policy: Council will use the capital improved value valuation method as this satisfies the equity principles and allows council to utilise differential rates in its rating structure.

e) Property Valuations

The *Valuation of Land Act 1960* is the principal legislation in determining property valuations. Under the *Valuation of Land Act 1960*, Valuer-General Victoria conducts property valuations on an annual basis. The CIV basis of valuation takes into account the total market value of the land including buildings and other improvements.

The value of land is always derived by the principle of valuing land for its highest and best use at the relevant time of valuation.

f) Supplementary Valuations

The Valuation of Land Act allows for Councils to have its Valuer make regular inspections following sales in subdivisions and consolidations as well as following the construction and demolition of buildings so that the maximum financial benefit can be gained from development as it occurs in the municipality, while at the same time ensuring that rates are levied equitably and transparently on new and changed properties.

Issues: There is some discretion as to what is an appropriate level of change in value upon which a supplementary valuation should be made.

Policy: Council's policy is to undertake supplementary valuations on a regular basis throughout the year, where there is a significant change to the capital improvements or where there is a new assessment or property consolidation required. The additional revenue generated during the year assists in maintaining the rate in the dollar at the lowest level and is both transparent and satisfies the equity principles within the Revenue and Rating Plan.

g) Objections to property valuations

Part 3 of the *Valuation of Land Act 1960* provides that a property owner may lodge an objection against the valuation of a property or the Australian Valuation Property Classification Code (AVPCC) within two months of the issue of the original or amended (supplementary) Rates and Valuation Charges Notice (Rates Notice), or within four months if the notice was not originally issued to the occupier of the land.

A property owner must lodge their objection to the valuation or the AVPCC in writing to the Horsham Rural City Council or via the State Government's Rating Valuation Objections online portal. Property owners also have the ability to object to the site valuations on receipt of their Land Tax Assessment. Property owners can appeal their land valuation within two months of receipt of their Council Rate Notice (via Council) or within two months of receipt of their Land Tax Assessment (via the State Revenue Office).

1.5.4 RATING DIFFERENTIALS

Section 161A of The Act allows Council to strike a different rate in the dollar for separate property classes, if Council uses CIV as the system of valuation. Section 161 (2) states that Council must specify the characteristics of the land which are the criteria for declaring a differential rate and the objectives of the differential rate. These objectives must include: a definition of the types and classes, a statement of the reasons for the level of the rate and the identification of the types or classes of land.

Section 161 (5) of The Act states the highest differential rate must be no more than 4 times the lowest differential rate.

Under Section 161 (2A) Council must have regard to any Ministerial Guidelines made before declaring a differential rate. The Minister issued Guidelines in April 2013. These guidelines attempt to spell out clearly what types and classes of land may be considered for differentials and also those that are not appropriate for differentials or need to be “carefully considered”. Geographic location may also be considered as a basis for the use of a differential.

The guidelines summarize the types and classes of land as follows:

“Must give consideration” to reducing the rate burden through a reduced differential rate

- Farm land
- Retirement villages

“Appropriate” for differential rates

- General land
- Residential land
- Farm land
- Commercial land
- Industrial land
- Retirement villages
- Vacant land
- Derelict land
- Cultural & recreational

“Carefully considered” as to whether they are appropriate for a differential rate

- Holiday Rental
- Extractive
- Landfill
- Dryland farming
- Irrigation farm land
- Automobile manufacturing land
- Petroleum Production
- Aluminum Production

“Would not be appropriate” to declare a differential

- Electronic gaming venue
- Liquor licensed venues
- Business premises defined by hours of trade
- Fast food franchises

Until the year 2000-2001, Council levied a uniform rate in the dollar on all properties, whether they were residential, commercial, industrial or farm. It then resolved that the equity of the rating system would be enhanced if the different characteristics of the farming sector were recognised by applying a differential rate at 95% of the general rate applied to all other non-concessional rateable properties.

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- Taking the above into account the farm rate was determined in the year 2000-01 after noting the relative changes in valuations between the farming and residential sectors in particular following the 2000 revaluation, and the lower accessibility of the farming sector to some of the services provided in the municipality generally. In doing so Council was mindful that a concession granted to one sector has to be paid for by all others but it believes that the equity principle is furthered by the application of this differential.
- In 2010-11, Council further reduced its differential rate to benefit the farming sector from 95% to 90% (of the general rate) having considered the outcomes of its biennial revaluation, the impact of low commodity prices on farming incomes and uncertainty about the continuation of the Exceptional Circumstances financial support (which was subsequently withdrawn). In doing so, it considered the issue of geographical distance from standard Council services and the ability of farmers to use and access those services.
- In 2014-15, Council reduced its farm differential rate by a further 10% to 80% of the general rate, in recognition of the changes to relative property values, the high value of land as an input to farm operations, and in recognition of some lesser access to services associated with the rural isolation of the majority of the farming sector.
- In 2019-20, Council reduced the farm differential rate by a further 13% to 67% of the general rate to recognise the changes to relative property values (in 2018), the high value of land as an input to farm operations, and in recognition of some lesser access to services associated with the rural isolation of the majority of the farming sector. Council also introduced a commercial differential rate of 95% of the general rate and an industrial differential rate of 95% of the general rate in recognition of the changes to relative property values following the 2018 general revaluation of properties and reliance on the level of economic activity of the farming sector.
- In 2021-22, Council reduced the farm differential rate by a further 8% to 59% of the general rate to recognise the changes to relative property values, the high value of land as an input to farm operations, and in recognition of some lesser access to services associated with the rural isolation of the majority of the farming sector.
- In 2022-23, Council reduced the farm differential rate by a further 9% to 50% of the general rate to recognise the changes to relative property values. It has also removed the 95% differential for the Industrial sector as a result of the movement in relative property values and has left the Commercial Sector differential at 95% in recognition of the impact that Covid 19 has had particularly on this sector, despite the impact of relative property values.
- In 2024-25, Council will remove the Commercial sector differential. This will see Residential, Commercial and Industrial all on the same rating base with Farming remaining at a 50% differential.

Council believes each differential rate will contribute to the equitable and efficient carrying out of council functions.

Details of the objectives of each differential rate, the classes of land which are subject to each differential rate and the uses of each differential rate are set out below.

a) Differential Residential Land

A differential may be offered for residential land. A differential is considered appropriate for residential land under the Ministerial Guidelines for use of differentials.

Council considerations when looking at a differential for residential land will include the following: Rates are an allowable deduction for tax purposes for residential properties held for investment purposes and homebased businesses in relation to the portion of the home that is used for business purposes, properties within the township of Horsham generally have higher access to council

services, residential properties tend to be lower in value and therefore are adversely impacted by the regressive nature of the municipal charge and any other factors as may be deemed relevant from time to time.

Policy: Council does not consider appropriate, a separate differential for residential land.

b) Differential Commercial Land

A differential may be offered for commercial land and is considered appropriate under the Ministerial Guidelines for use of differentials.

Council considerations when looking at a differential for commercial land will include the following: Rates are an allowable deduction for tax purposes for commercial properties, commercial properties are operated for profit, there is a wide diversity of retail operators both in size and type, and the farming sector underpins economic activity for much of the local economy and any other factors as may be deemed relevant from time to time.

Policy: Council does not consider it appropriate to have a differential for commercial land and will rate the same as residential and industrial land from the 2024-2025 year.

c) Differential Industrial Land

A differential may be offered for industrial land and is considered appropriate under the Ministerial Guidelines for use of differentials.

Council considerations when looking at a differential for industrial land will include the following: Rates are an allowable deduction for tax purposes for industrial properties, industrial properties are operated for profit, there is a wide diversity of retail operators both in size and type, and the farming sector underpins economic activity for much of the local economy and any other factors as may be deemed relevant from time to time.

Policy: Council removed the 95% differential for industrial land in recognition of the changes to relative property values following the 2021 general revaluation of properties.

d) Differential Farm Land

A differential may be offered for farming land and is considered appropriate under the Ministerial Guidelines for use of differentials. It is a specific requirement of these Guidelines for Council to consider a reduced differential for this category of land use.

Council considerations when looking at a differential for farm land will include the following: Farms can have reduced access to services compared to residential properties, and this reduced access is not reflected in the property values, the extent to which relative property values may have varied between sectors, an excessive rate burden is applied on farmers due to their land holding having a significantly greater value than for other small businesses, agriculture producers are unable to pass on increases in costs, farms are seen as more susceptible or fragile than other commercial or industrial operations, the farming sector underpins economic activity for much of the local economy, rates are an allowable deduction for tax purposes and often include the principle place of residence, farms are operated for profit and any other factors as may be deemed relevant from time to time.

Eligibility for the farm land differential has been based on the definitions of Farmland under the Valuation of Land Act 1960:

- Not less than 2 hectares in area

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- That is used primarily for agricultural purposes
- That is used by a business that has significant and substantial commercial purpose or character, seeks to make a profit on a continuous or repetitive basis and is either making a profit or has reasonable prospect of making a profit from its activities

Council during 2015-16 undertook a review of its data associated with the classification of land as farm land, in order to ensure that all properties below the 60-hectare minimum lot size within the farm zone meet the above definition.

The increasing differential for farm land is creating a significant discount to farm properties and hence is increasing the incentive for land owners to be rated as farm land instead of residential land. As a result, Council is introducing some further processes to ensure that all properties below the 60 hectare minimum lot size in the farm zone, that are not part of a larger farming enterprise, are in fact meeting the requirement of “a business that has significant and substantial commercial purpose”.

***Policy:** Council will continue with a differential for the farm sector in recognition of changes to relative property values, the high value of land as an input to farm operations, and in recognition of some lesser access to services associated with their rural isolation of the majority of the sector. The farm differential was reduced from 59% to 50% of the General Rate, in 2022-23.*

To be eligible to receive the farm differential the land must meet the definition of Farmland as per the Valuations of Land Act 1960 (see above).

For land designated as farmland by the Valuer but which is below the minimum 60 Hectare lot size in the Farm zone, is not part of a larger farming enterprise and has a habitable dwelling on it, council will require the following to substantiate the conduct of a business that has significant and substantial commercial purpose:

- 1. There must be a valid ABN that applies to the farm business operations being undertaken on the site*
- 2. That ABN must be registered for GST*
- 3. A letter will be required from the business owner’s accountant or other proof from the Australian Taxation Office that they are conducting a farm business.*
- 4. The following will be required if there is a share farming or lease arrangement in place:*
 - a. a copy of the relevant agreement between the parties detailing the term of the agreement and indicating the substantial nature of the operations and the legal entities involved*

Or

 - b. a letter from a farming enterprise with a valid ABN, stating they are farming the land commercially*
 - c. conditions 1,2 & 3 will then need to be met if the relevant farming enterprise is not already known to council*

A separate review of farm properties under 60 Hectares will be undertaken once every 4 years to confirm that properties remain eligible.

e) Differential Retirement Villages

A differential may be offered for Retirement Villages and is considered appropriate under the Ministerial Guidelines for use of differentials. It is a specific requirement of these Guidelines for Council to consider a reduced differential for this category of land use.

Council considerations when looking at a differential for Retirement Villages will include the following: A lower differential for this class of properties may be considered appropriate, based on the reduced number of services accessed by residents of retirement villages, savings in capital investment and maintenance to council for roads, footpaths, drainage, street lighting, car parking and landscaping,

council benefits from increased rate revenue because of the density of retirement village housing and any other factors as may be deemed relevant from time to time.

***Policy:** Council has reviewed the Retirement Villages within the Municipality and does not believe there is any basis on which to offer a differential. The average value of assessments within a Retirement Village is on the lower end of the scale and many of the services of Council are available to and utilised by tenants of Retirement Villages, reducing the Municipal Charge will benefit Retirement Villages also.*

f) Differential Other Classes of Land Use

A differential may be offered for range of other classes of land use under the current Ministerial Guidelines.

***Policy:** Council does not consider any other differential as appropriate for any of the other listed categories of land use within the Ministerial Guidelines.*

g) Differential for Geographic Reasons

A differential may be offered for definable Geographic areas and is considered appropriate under the Ministerial Guidelines for use of differentials.

Council considerations when looking at a differential for geographic reasons will include the following:

A lower differential for this class of properties may be considered appropriate based upon, the distance from Horsham and therefore the ability to access services, in practice this would be very difficult to measure as to where the line should be and how to administer, in taking in to account the extent of usage of services Council needs to satisfy itself that the situation is consistent across the majority of properties within a property class.

***Policy:** Whilst Council recognises the issue as being applicable to outer geographic areas of the Municipality the costs and inability to position and administer a suitable line on a map would outweigh the benefits of introducing such a differential.*

h) Cultural and Recreational Land

Under the provisions of the Cultural and Recreational Lands Act 1963 most councils levy rates on outdoor cultural and recreational facilities at concessional rates. These lands must be occupied by a body which exists for an outdoor recreational purpose, and which applies its profits in promoting the furthering of this purpose. The lands must be owned by the body or owned by the Crown or Council to be eligible. Agricultural showgrounds are specifically included. Indoor bodies may be exempt as charities under Section 154 of the Local Government Act 1989, on the basis of providing a general community benefit.

Issues: Council during 2014-15 undertook a detailed review of culture and recreational assessments within the municipality and developed a policy to guide officers in applying the principles. This policy clearly defines eligibility criteria and reduces the previous 20% concessional rate to 0% i.e. no rates to be levied and the upper rate of 60% has been reduced to 50%. Council believes this recognises the role that Cultural and Recreational groups play in the provision of services to the community. These groups do have access to some services in their own right but largely, themselves, are part of the cultural and recreational service provision within the community. This new policy reduces the rate burden on these groups within the community and attempts to clarify the grey areas in the decision process, to help provide consistency and fairness in the way in which Council approaches this matter.

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Council sets rates which differentiate between those which have significant fund-raising capacity and those which do not. The levels are discretionary and as a consequence have been reviewed so that the lower rate aligns with the full exemption that may be granted to groups under Section 154 of the Local Government Act. The upper rate has been reduced from 60% to 50% to provide some further concession to these groups in recognition of the general community benefit they provide.

***Policy:** Rates are set at a higher value (for those with significant revenue raising capacity) and a low value (for those with little revenue raising capacity) of the general rate. No municipal charge is made on these properties.*

i) Trigger for Review of Differentials

***Policy:** Council has established the following parameters for the purposes of deciding when a detailed review of differentials in the Rating Strategy is required in any budget year:*

- The difference in the valuation change (increase or decrease) between the general differential rate category and another differential rate category exceeds 3.5% following a general revaluation of properties*
- Any change in the legislative framework that materially impacts the equitable imposition of rates and charges.*
- Any other relevant matter as per the Ministerial Guidelines for Differential Rating*

1.5.5 DISCOUNTS AND WAIVERS

a) Rate Exemptions for Charitable and Other Properties

The Local Government Act provides for limited exemption of certain categories of properties from rating, Section 154 sets out what land is non-rateable. Primarily those regarded as being used for charitable purposes, as well as specified types of property, such as those used for mining. Most Government and Council owned properties, including educational institutions and hospitals, are also included in non-rated categories.

Issues: Some degree of discretion needs to be applied when looking at some charities as they may often be almost commercial in nature, a detailed review of non-rateable assessments is undertaken on a regular basis.

***Policy:** Council has in place a policy “Rate concessions for Cultural, Recreational and Charitable Organisations” to help guide decision making in relation to the granting of exemptions under Section 154 of the Local Government Act.*

b) Rating of Retail Premises of Charitable Organisations

The Local Government Act provides in Section 154 (4) that any part of land used for the retail sale of goods cannot be regarded as used exclusively for charitable purposes and is thus rateable. These are commercial operations that are not charitable by nature and hence they should be rated.

Issues: These retail premises operate in order to both raise income for their charitable cause and also to provide a cheap source of recycled clothing which provides a social benefit to the community.

***Policy:** For the purpose of charging rates, the Council Valuer will be asked to separately value that part of land not rated which is occupied by a charitable organisation and used for the retail sale of goods so as to allow that part to be separately rated. Council will then make an annual Community Donation/Grant equivalent to the rates charged to the charitable organisations so rated in accordance with this policy.*

c) Rebates and Concessions

Under Section 169 of the Act, a council may grant a rebate or concession in relation to any rate or charge:

- To assist the proper development of the municipal district; or
- To preserve buildings or places in the municipal district which are of historical or environmental interest; or
- To restore or maintain buildings or places of historical, environmental, architectural or scientific importance in the municipal district; or
- To assist the proper development of part of the municipal district.

A council resolution granting a rebate or concession must specify the benefit to the community as a whole resulting from the rebate or concession. Rebates and concessions may be offered for a number of reasons as defined in Section 169 of the Act. Primarily “to assist the proper development of the municipal district” or to assist the preservation and/or restoration of places “of historical or environmental interest.”

Issues: Council may offer rebates and concessions as it deems appropriate, and as established through clear policy direction, the following rebates are in place: or have been considered:

- Council provides for the state funded pensioner rebate scheme.
- A specific rebate has been granted under an historical agreement, to provide 50% general rate concession (excluding the municipal charge) on the low value rental units owned by the Department of Families, Fairness & Housing.
- An additional rebate of \$30 is offered to eligible pensioners from 2019-20 onwards to recognise the impact of rates on this section of the community. This rebate is being increased in 2023-24 to \$50.

The following rebates are not in place but have been considered however the administrative burden or difficulties for such schemes are considered significant and that they would outweigh the benefits

- Land with Conservation Covenants issued by the Trust for Nature for landowners undertaking conservation of their land, which has been suggested by the Trust as being appropriate and desirable.
- A rebate or concession to be offered for relevant landholders in return for weed management has been discussed.
- A rebate to Health Care Card holders

***Policy:** Council administers the state government funded pensioner rebate scheme. Council will offer an additional rebate to pensioners over and above the state government value. Council will not grant a concession or rebate to properties on which a conservation covenant has been executed. Such covenants would be incorporated into the attributes considered by the Valuer when determining the Capital Improved Value of the land and rated according to the Australian Valuation Property Classification Code (AVPCC). The Council funded rebate was \$30 in 2022-23. This has been increased in 2023-24 to \$50.*

d) Rating of Granny Flats

***Policy:** In relation to the rating of Granny Flats, where a flat that is constructed on land on which there had previously been one dwelling only and where such flat is occupied by the elderly or disabled pensioner relatives of the occupier of the adjacent house, Council will waive the rates and charges over and above the pensioner concession granted, providing the pensioners makes an application for such a waiver each year before the rate payment is due.*

1.5.6 MUNICIPAL CHARGE

Under Section 159 of the Act, a council may declare a municipal charge to cover some of the administrative costs of the council. A council's total revenue from a municipal charge in a financial year must not exceed 20 per cent of the sum total of the council's total revenue from a municipal charge and total revenue from general rates.

A person may apply to Council for an exemption from the payment of a municipal charge on rateable land if the rateable land is farm land, the rateable land forms part of a single farm enterprise and an exemption is not claimed in respect of at least one other rateable property which forms part of the single farm enterprise. In the case of a single farm enterprise which is occupied by more than one person, an exemption cannot be claimed in respect of more than one principal place of residence.

A fixed component of the rating structure is provided as recognition of the fact that all rateable properties have an obligation to contribute to the basic operations of Council i.e. its administrative functions

Issues: Because the municipal charge is a fixed charge, it is regressive, meaning that as the value of properties decrease, the municipal charge increases as a percentage of rates paid, thus the total burden is reduced on higher value properties. The higher the municipal charge the greater is the benefit to farms with multiple assessments that are eligible for the "single farm enterprise" exemption, a municipal charge may be used by a council to collect a portion of revenue not linked to property value but paid equally by all ratepayers. The charge cannot be more than 20% of total rates. A reduction in the level of the municipal charge would benefit lower valued properties, but any reduction would need to be balanced by an increase in the ad-valorem rate accordingly which would increase the rates on all properties across all sectors. Some councils tie the municipal charge to specific administrative or governance costs and set it accordingly. Council has considered the effect of lowering the level of the charge and consequently raising the ad-valorem rate to compensate.

Policy: Council recognises the regressive nature of this charge and will seek to reduce it over time but will continue to levy a municipal charge on the grounds that all properties should contribute to its administrative costs. It remains at \$200.

1.5.7 SPECIAL CHARGE SCHEMES

Under Section 163 of the Act, a council may declare a special rate or charge for the purposes of defraying any expenses or repaying (with interest) any advance made to or debt incurred or loan raised by the Council, in relation to the performance of a function or the exercise of a power of the council, if it will be of special benefit to the persons required to pay the special rate or special charge.

A 1999 VCAT ruling said "if a benefit accrues to the land so as to make it more desirable and therefore more valuable for sale, the owner derives a special benefit even if his or her present use of the land does not provide it there and then".

Special rates and Charges may be utilised. These have been utilised principally for drainage, footpaths and road schemes where the "benefit" to individual ratepayers can be clearly identified.

Issues: Greater use of Special Charges when there are clearly "special benefits" that can be identified will help address some of the Equity issues around the benefit principle.

Policy: Council will use special rates and charges wherever it believes these may be appropriate.

1.5.8 SERVICE RATES AND CHARGES

Under Section 162 of the Act, a council may declare a service rate or charge for any of the following services:

- Waste, recycling or resource recovery services,
- Any other prescribed service

In December 2023 the Minister for Local Government released a Good Practice Guidelines in relation to Service Rates and Charges. Councils are expected to comply with this guidance.

Waste services are compulsory for Natimuk and Horsham and are charged on a user pays principle. Recycling services are included as part of the waste services to urban and some outer urban areas but are not provided in rural areas. It is appropriate to have a user charge as the service can be clearly tagged to those that use it. The calculation is done on a cost recovery basis. Recycling is included to encourage recycling which helps reduce landfill costs. To charge separately may result in some people cancelling the service.

Issues: The calculation of the waste charge is on a cost recovery basis but does not currently pick up on a contribution towards Council's general administration or overhead. During 2017-18 the acceptable levels of contaminants in recyclable product delivered to China was reduced thereby impacting the recycling market, this resulted in a cost increase to council per recycling service. The state EPA levies continue to increase significantly which will see some significant increases in costs over the coming years.

***Policy:** Council will levy a charge for waste and recycling services combined on a cost recovery basis, working towards full compliance with Ministerial Guidelines.*

1.5.9 COLLECTION AND ADMINISTRATION OF RATES AND CHARGES

The purpose of this section is to outline the rate payment options, processes, and the support provided to ratepayers facing financial hardship.

I. Payment Options and Incentives

In accordance with section 167(1) of the *Local Government Act 1989* ratepayers have the option of paying rates and charges by way of four instalments. Quarterly payments are due on the prescribed dates below:

- 1st Instalment: 30 September
- 2nd Instalment: 30 November
- 3rd Instalment: 28 February
- 4th Instalment: 31 May

A council may also allow rates and charges to be paid in a lump sum. Lump sum payments are due 15 February.

Council offers a range of payment options including:

- in person at Council offices (cheques, money orders, EFTPOS, credit/debit cards and cash),
- online via BPAY and Post Billpay,
- Australia Post (over the counter, over the phone via credit card and on the internet),
- By mail (cheques and money orders only).

The lump sum payment option has remained in February largely due to the preference by the farming community to pay annually at this time. Interest can be charged on overdue payments.

Issues: Farming has changed in recent years and farm incomes are now often spread differently across the year, compulsory quarterly payments would offer opportunities for improved efficiencies in how the rates department operates and better debt management and cash-flow management for Council and potentially ratepayers alike. Quarterly payments have been modelled to show there

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would be minimal extra costs to annual payers and can still be paid in full at the time of the first instalment on 30 September.

Policy: Council will allow payment of rates and charges by lump sum in February as well as quarterly payments. A discount for early payment of rates will not be offered.

II. Interest on arrears and overdue rates

Interest is charged on overdue rates in accordance with Section 172 of the *Local Government Act 1989*. The interest rate applied is fixed under Section 2 of the Penalty Interest Rates Act 1983, which is determined by the Minister and published by notice in the Government Gazette.

During the COVID-19 pandemic Council has adopted a soft approach on debt collection and will continue to do this. Council will not charge interest on overdue amounts incurred as long as the ratepayer adheres to the payment arrangement that they had agreed to, or if they are unable to continue the arrangement, makes contact with Council to discuss their payments.

III. Early Payment Incentives

Under Section 168 of the Act a council may also provide incentives for prompt payment. Early payment incentives may be offered if rates are paid early. Early payment benefits council by improvements to cashflow.

Issues: The question of a discount on early payment of rates has been looked at previously by Council. In a survey in 2003 a few ratepayers indicated that they would be attracted by a discount. The discount may be seen to benefit ratepayers in the community who have greater cashflow and capacity to pay so may not be fair to those who don't have that capacity. There is a cost to the discount itself, plus additional administrative and system costs.

Policy: Council does not offer a discount for early payment of rates and charges.

IV. Financial Hardship

Under Section 170 of the Act, a council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the council if it considers that an application by that person shows that the payment would cause hardship to the person.

Under Section 171 of the Act, a council may waive the whole or part of any rate or charge or interest in relation to, an eligible recipient or any other class of persons determined by the Council for the purpose of waiving rates or charges on the grounds of financial hardship.

Deferments, discounts and/or waivers of rates and charges are available in specific hardship cases. Section 169, 170 & 171 of the Act allows for people in designated groups to access this i.e. pensioner rate discount or for individual cases of hardship.

Issues: Council like most councils across the state, has traditionally preferred to offer deferrals rather than granting waivers. This means that there is little lost revenue to Council, and it meets the equity issue of capacity to pay, by delaying payment until assets are realised at a later date. In proven long-term hardship situations Council would consider granting a full or partial waiver of rates.

Policy: Council has a separate and specific policy, "Rates and Charges Financial Hardship Policy" for the handling of hardship cases which allows waivers or deferment of all or part of rates for varying times depending on circumstances, interest may also be waived in hardship cases. Applicants are

required to specify the hardship grounds, on consideration of which Council may grant a deferment. This deferment would generally continue until circumstances change, the land is sold, or the person dies, and at such time the rates and interest deferred would be taken from the sale proceeds.

V. Debt recovery

Council has in place a “Debt Collection Policy” that guides the decision making around the pursuit of overdue debts. Council makes every effort to contact ratepayers at their correct address and with the contact details previously supplied, but it is the ratepayers’ responsibility to properly advise Council of any changes to their contact details. The *Local Government Act 1989* Section 230 and 231 requires both the vendor and purchaser of property, or their agents (e.g. solicitors and or conveyancers), to notify Council by way of notice of disposition or acquisition of an interest in land.

In the event that an account becomes overdue, Council will issue an overdue reminder notice which will include any accrued penalty interest. In the event that the account remains unpaid, Council staff will attempt to contact the ratepayer via phone, email and text messages. If no contact can be established, and no effort has been made by the ratepayer to contact Council, the account may be referred to a credit management company without further notice to recover the overdue amount. Any fees and court costs incurred will be recoverable from the ratepayer.

Ratepayers who have a documented hardship case will not be referred to the credit management company.

If an amount payable by way of rates in respect to land has been in arrears for three years or more with no payment arrangement in place during this time, Council may take action to sell the property in accordance with the *Local Government Act 1989* Section 181. Council will at no time sell a property that is the ratepayer’s principal place of residence for unpaid rates.

VI. Communications

Council will seek to communicate individually with properties that have a significant shift in the rate burden in any one year, advising them of the reason for the change and their options for appeal on their valuation. This Revenue and Rating Plan will be publicly available on Council’s website.

VII. Fire Services Property Levy

In 2013 the Victorian State Government passed legislation requiring the Fire Services Property Levy to be collected from ratepayers. Previously this was collected through building and property insurance premiums. The Fire Services Property Levy helps fund the services provided by the Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA), and all levies collected by Council are passed through to the State Government.

The Fire Services Property Levy is based on two components, a fixed charge, and a variable charge which is linked to the Capital Improved Value of the property. This levy is not included in the rate cap and increases in the levy are at the discretion of the State Government.

1.6 OTHER REVENUE ITEMS

1.6.1 USER FEES AND CHARGES

User fees and charges are those that Council will charge for the delivery of services and use of community infrastructure. Examples of user fees and charges include:

- Kindergarten fees
- Parking fees
- Leisure Centre, Gym, and Pool visitation and membership fees
- Waste Management fees
- Leases and facility hire fees

The provision of infrastructure and services form a key part of Council's role in supporting the local community. In providing these, Council must consider a range of 'Best Value' principles including service cost and quality standards, value-for-money, and community expectations and values. Council must also balance the affordability and accessibility of infrastructure and services with its financial capacity and in the interests of long-term financial sustainability.

Council must also comply with the government's Competitive Neutrality Policy for significant business activities that are provided and adjust the service price to neutralise any competitive advantages when competing with the private sector.

In providing services to the community, Council will determine the extent of cost recovery for each particular services consistent with the level of both individual and collective benefit that the service provides and in line with the community's expectations.

Services are provided on the basis of one of the following pricing methods:

I. **Market Price**

Market pricing is where council sets prices based on the benchmarked competitive prices of alternate suppliers. In general market price represents full cost recovery plus an allowance for profit. Market prices will be used when other providers exist in the given market, and council needs to meet its obligations under the government's Competitive Neutrality Policy.

Note: if a market price is lower than Council's full cost price, then the market price would represent Council subsidising that service. If this situation exists, and there are other suppliers existing in the market at the same price, this may mean that Council is not the most efficient supplier in the marketplace. In this situation, Council will consider whether there is a community service obligation and whether Council should be providing this service at all.

II. **Full Cost Recovery Price**

Full cost recovery price aims to recover all direct and indirect costs incurred by Council. This pricing will be used in particular where a service provided by Council benefits individual customers specifically, rather than the community as a whole. In principle, fees and charges will be set at a level that recovers the full cost of providing the services unless there is an overriding policy or imperative in favour of subsidisation.

III. **Subsidised Price**

Subsidised pricing is where Council subsidises a service by not passing the full cost of that service onto the customer. Subsidies may range from full subsidies (i.e. Council provides the service free of charge) to partial subsidies, where Council provides the service to the user with a discount. The subsidy can be funded from Council's rate revenue or other sources

such as Commonwealth and state funding programs. Full council subsidy pricing and partial cost pricing should always be based on knowledge of the full cost of providing a service.

Council maintains a Pricing register of all fees and charges. This register is presented to Council for adoption in line with the annual budget. Any changes to fees and charges required during the year are presented to Council for adoption accompanied by the relevant section of the register.

1.6.2 STATUTORY FEES AND CHARGES

Statutory fees and fines are those which Council collects under the direction of legislation or other government directives. The rates used for statutory fees and fines are generally advised by the state government department responsible for the corresponding services or legislation, and generally councils will have limited discretion in applying these fees.

Examples of statutory fees and fines include:

- Planning and subdivision fees
- Building and Inspection fees
- Infringements and fines
- Land Information Certificate fees

Penalty units are used to define the amount payable for fines for many offences. For example, the fine for selling a tobacco product to a person aged under 18 is four penalty units, one penalty unit is currently \$165.22, from 1 July 2020 to 30 June 2021. The rate for penalty units is indexed each financial year so that it is raised in line with inflation.

Fee units are used to calculate the cost of a certificate, registration or licence that is set out in an Act or Regulation. For example, the cost of depositing a Will with the Supreme Court Registrar of Probates is 1.6 fee units. The value of one fee unit is currently \$14.81 from 1 July 2020 to 30 June 2021. This value may increase at the beginning of a financial year, at the same time as penalty units.

1.6.3 GRANTS

Grant revenue represents income usually received from other levels of government. Some grants are one-off and attached to the delivery of specific projects, (often referred to as “Tied Grants”) whilst others can be of a recurrent nature and may or may not be linked to the delivery of projects (“Untied Grants”).

Grants may be made for both operational purposes and for the funding of capital works. The largest ongoing grant that Council receives is from the Federal Government’s Financial Assistance Grants (FAGS) through the Victorian Grants Commission.

Council will pro-actively advocate to other levels of government for grant funding support to deliver important infrastructure and service outcomes for the community. Council may use its own funds to leverage higher grant funding and maximise external funding opportunities.

When preparing its financial plan, Council considers its project proposal pipeline, advocacy priorities, upcoming grant program opportunities, and co-funding options to determine what grants to apply for. Council will only apply for and accept external funding if it is consistent with the Community Vision and does not lead to the distortion of Council Plan priorities.

Grant assumptions are then clearly detailed in Council’s budget document. No project that is reliant on grant funding will proceed until a signed funding agreement is in place.

1.6.4 CONTRIBUTIONS

Contributions represent funds received by Council, usually from non-government sources, and are usually linked to projects. Contributions can be made to Council in the form of either cash payments or asset handovers.

Examples of contributions include:

- Monies collected from developers under planning and development agreements.
- Monies collected under developer contribution plans and infrastructure contribution plans.
- Contributions from user groups towards upgrade of facilities
- Assets handed over to Council from developers at the completion of a subdivision, such as roads, drainage, and streetlights.

Contributions should always be linked to a planning or funding agreement. Council will not undertake any work on a contribution-funded project until a signed agreement outlining the contribution details is in place.

Contributions linked to developments can be received well before any council expenditure occurs. In this situation, the funds will be identified and held separately for the specific works identified in the agreements.

1.6.5 INTEREST ON INVESTMENTS

Council receives interest on funds managed as part of its investment portfolio, where funds are held in advance of expenditure, or for special purposes. The investment portfolio is managed per Council's investment policy, which seeks to earn the best return on funds, whilst minimising risk.