DISTRICT COUNCIL OF Streaky Bay
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RATE REBATE POLICY

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References and related Policies, Procedures and Forms: *Local Government Act 1999* Local Government (Financial Management) Regulations 2011 DCSB-G-09.03 Procedure for Internal Review of Council Decisions		

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1. Introduction

The *Local Government Act 1999* ["the Act"] sets out at Chapter 10, Division 5 (Sections 159 to 166) those provisions applicable to the Council granting a rebate of rates to persons or bodies.

The Council has decided to adopt a Policy to assist it in its decision making functions relative to the operation of the rate rebate provisions contained in the Act.

This Policy is intended to provide guidance to the community as to the grounds upon which a person or body is, or may be entitled to receive a rebate of rates and the matters that the Council will take into account in deciding an application for a rebate.

In accordance with the rebate provisions contained in the Act, this Policy sets out the type of use in respect of land which the Council must grant a rebate of rates and the amount that rebate must be, and those types of land use where the Council has a discretion to grant a rebate of rates.

2. Policy Objectives

It is the policy of the District Council of Streaky Bay that a rebate of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirements under the Act and, where appropriate, the requirements of this policy.

3. Discretionary Rebates of Rates

That the following situation will warrant due consideration for the exercise of the discretion (not to the exclusion of other situations):

Three (3) year eligibility from initial application with a tiered scheme of rebate on rates:

- Year 1 - 75%
- Year 2 - 50%
- Year 3 - 25%

Will be granted where all of the following are complied with:

- the land division is of 8 allotments or more and each allotment has been separately assessed for rating purposes,
- the developer has complied with all conditions of development approval,
- no more than 70% of the allotments have been sold.

a. Section 166 (1)(j)

In this regard the Council has determined that, without excluding other potential eligible applications,

(1) all community owned halls/institutes and land used in conjunction with the hall/institute (for utility supplies) within the district shall be granted a 100% rebate of rates.
(2) all Council properties that have a current recreational lease in place, shall be granted a 100% rebate of rates.'
(3) All Council properties that have a lease in place, shall be grated a 100% rebate of rates.

4. Applications

4.1 Persons or bodies who seek a rebate of rates *(and/or annual service charges)* either –

4.1.1 pursuant to Section 159 (4) of the Act; or

4.1.2 pursuant to Section 166 of the Act

must make written application to the Council pursuant to Section 159 (1) of the Act in the manner and form determined by the Council and supplying such information as the Council may reasonably require.

4.2 In accordance with Section 166(1a) of the Act, the Council will take into account the following matters in determining whether to grant a rebate of rates or charges under Section 166(1)(d) to (j) of the Act and paragraphs 3(a) to 3(b) inclusive above:–

i. the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the Council's area;

ii. the community need that is being met by activities carried out on the land for which the rebate is sought; and

iii. the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons.

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

i. why there is a need for financial assistance through a rebate;

ii. the level of rebate (percentage and dollar amount) being sought and why it is appropriate;

iii. the extent of financial assistance, if any, being provided to the applicant and/or in respect of the land by Commonwealth or State agencies;

iv. whether the applicant has made/intends to make applications to another Council;

v. whether and if so to what extent, the applicant is or will be providing a service within the Council area;

vi. whether the applicant is a public sector body, a private not for profit body or a private or profit body;

vii. whether there are any relevant historical considerations that may be relevant for all or any part of the current Council term;

viii. the desirability of granting a rebate for more than one year in those circumstances identified in the Local Government Act 1999 Section 166(3) and Section 166(3a);

ix. consideration of the full financial consequences of the rebate for the Council;

x. the time the application is received;

xi. the availability of any community grant to the person or body making the application;

xii. whether the applicant is in receipt of a community grant; and

xiii. and other matters, and policies of the Council, which the Council considers relevant.

4.4 All persons who or bodies which wish to apply to the Council for a rebate of rates for the financial year must submit an application on or before 31 May of the preceding year. The Council reserves the right to refuse to consider applications received after that date.

However, applicants that satisfy the criteria for a mandatory 100% rebate will be granted the rebate at any time during the relevant financial year.

4.5 Section 166(2) of the Act provides that the Council may grant a discretionary rebate of rates or charges on such conditions as the Council thinks fit.

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

Where an entitlement to a rebate of rates ceases or no longer applies during the course of a financial year, the Council is entitled to recover rates, or rates at the increased level (as the case may be), proportionate to the remaining part of the financial year.

4.9 The Council will, in writing, advise an applicant for a rebate of its determination of that application within 21 business days of receiving the application or of receiving all information requested by the Council. The advice will state –

- if the application has been granted, the amount of the rebate; or
- if the application has not been granted, the reasons why.

5. Delegations

The Council has delegated its power, pursuant to Section 44 of the Act, to the Chief Executive Officer, to grant mandatory rebates of rates in respect of applications which meet the requirements of the Act.

The Council has delegated its power, pursuant to Section 44 of the Act to determine applications and to grant a discretionary rebate of rates to the Chief Executive Officer subject to the following conditions –

- only where applicant is a community organisation

6. Review

A person or body that is aggrieved by a determination of the Council in respect of an application for a rebate may seek a review of that decision in accordance with the Council's Procedure for Internal Review of Council Decisions within 21 days of the date of the notice of determination which is given pursuant to Clause 4.9 of this Policy.

7. Records Management

All records shall be kept and disposed of in accordance with Councils Records Management Policy & procedure and the current General Disposal Schedule.

8. Delegations

The Council has delegated its power, pursuant to Section 44 of the Act, to the Chief Executive Officer, to grant mandatory rebates of rates in respect of applications which meet the requirements of the Act.

The Council has delegated its power, pursuant to Section 44 of the Act to determine applications and to grant a discretionary rebate of rates to the Chief Executive Officer subject to the following conditions –

- only where applicant is a community organisation

9. Further Information and Policy Availability

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakybay.sa.gov.au.

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

10. Document History

Version No	Issue Date	Description of Change	Date Endorsed
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