

Council – Revenue & Rating Plan 2021-2025

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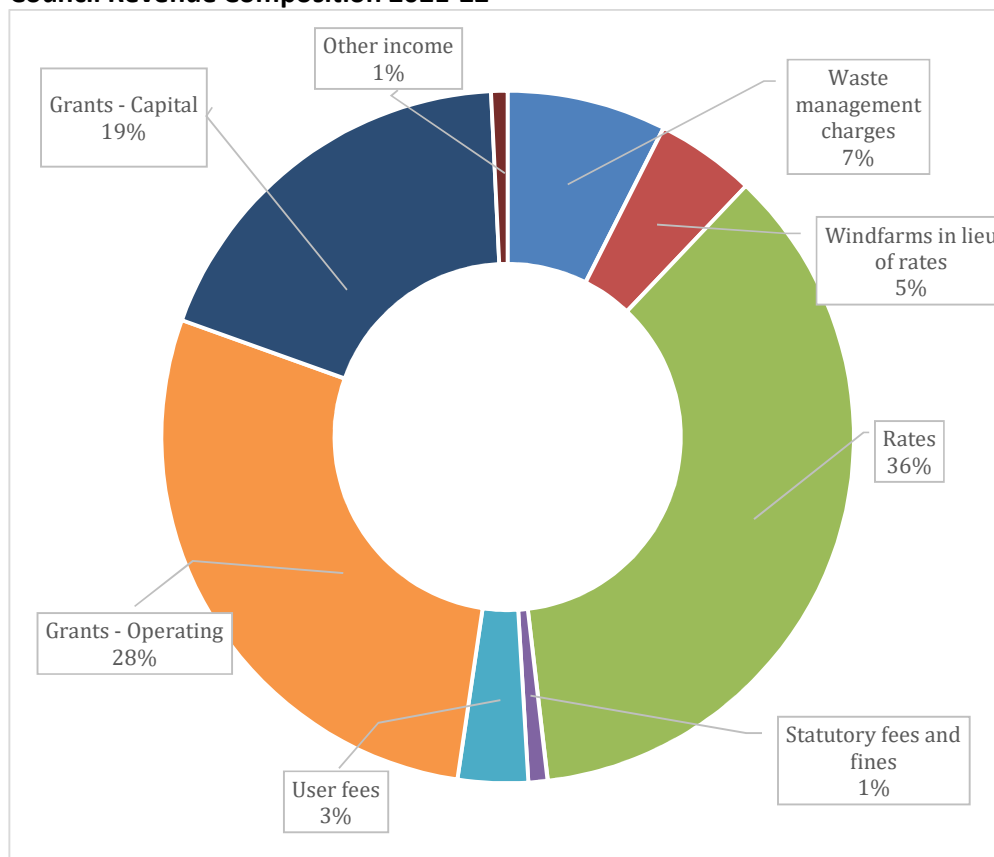


1 COMMUNITY SUMMARY

The Pyrenees Shire Council Revenue and Rating Plan provides the overall strategic framework which will guide Council in the management of its rating system and other revenue sources to ensure adherence to legislative requirements, best practice principles and strategic long-term financial objectives.

Council has based this Strategy on its determination of the most appropriate and sustainable combination of rates, grants, fees and charges, and other income that provides for a sustainable long-term financial plan yet recognising the impact that revenue raising has on its community.

Council Revenue Composition 2021-22



Source: Pyrenees Shire Council Proposed Annual Budget 2021/22

The following summarises some of the key strategic decisions made in this plan in relation to Council income streams.



1.1 Rating

Rate Capping

Rate capping was introduced by the Victorian Government in 2016-17, restricting the amount of average increase in rates able to be made by councils. The rate cap is usually announced in December of each year, applicable to the following financial year, to allow councils to prepare annual budgets. The rate cap is generally based upon CPI but can be influenced by other financial factors impacting upon the government budget – e.g. COVID-19 costs in 2019/20 and 2020/21.

Council must decide each year on whether to apply for a rate cap variation (increase) for the following financial year. This decision is based on a range of factors, including the relativity of the rate cap to any specific increased costs in a financial year, and the community's capacity to pay.

For example: in the 2021/22 financial year the rate cap was reduced from 2% in the previous year to 1.5%. Costs increases for Council in the same financial year included a 2% wage increase (negotiated as part of the 2019 Enterprise Agreement and in line with other Victorian councils) plus a 0.5% increase in the Superannuation Levy. This means that increases in a large proportion of Council's expenditure is already behind increases in revenue.

However, notwithstanding this, Council determined that no rate cap increase would be sought to minimise impact upon its ratepayers, already impacted in their capacity to pay by COVID-19.

Where a rate cap increase is successfully sought, the additional amount of revenue raised must be used solely for the purpose it was requested, together with the value of subsequent increases on that portion of the rates revenue.

It is important to note that the rate cap applies to the total rate pool and not to individual properties. Actual rate increases of individual properties are impacted by changes in property valuations with individual rate increases dependent on relativity to average valuation increases across the municipality. Due to the valuation system, it is highly unlikely that in any year the rate increase on an individual rate notice will align with the rate cap.



Council's Proposed Rating System

The below table outlines the Key features of Council's proposed rating system:

Feature	Rationale
No municipal charge	<ul style="list-style-type: none"> • there are mixed views about the fairness of levying municipal charges due to its regressive impact in shifting the rate burden from higher-value properties to lower-value properties. • the current legislation also lacks guidance on what costs should be covered as well as which calculation methods should be used to determine the municipal charge to be levied.
Utilising the Capital Improved Value (CIV) method of valuation for rating purposes,	<ul style="list-style-type: none"> • the wide support for the CIV method as it considers the full development value of the property and is therefore viewed to achieve greater equity and efficiency. • CIV is based on market values, which are more predictable and easily understood than NAV or SV. • the comparability of rating and valuation information between councils is facilitated due to the adoption of CIV by most councils in Victoria. • the use of CIV allows the application of differential rates, which equitably distribute the rating burden based on ability to afford council rates, i.e. CIV allows Council to apply higher rating differentials to the commercial and industrial sector that offset residential rates.
Differential rating system	<ul style="list-style-type: none"> • it allows greater discretion and flexibility in distributing the rate burden across different classes of property and facilitating appropriate developments in the best interests of the community.
Recreational and Trust for Nature properties to receive a 50% discount on the general rate	<ul style="list-style-type: none"> • Council recognizes the public and environmental benefit that Recreational and Trust for Nature properties provide.
Council levying a Waste Management Service Charges for the collection and disposal of household refuse and recyclables.	<ul style="list-style-type: none"> • Council recognises that the application of a Waste Management Service Charge is readily understood and accepted by residents as a fee for a direct service that they receive. Furthermore, it also supports equality in the rating system since all residents receiving exactly the same service level all pay an equivalent amount.



The following Differentials are proposed:

Category	Rationale
<p>House, Flats etc. 100% of the general rate</p>	<ul style="list-style-type: none"> Reflects the level of service provided and ensures that reasonable rate relativity is maintained between the residential property and other classes of property.
<p>Farm properties 74% of the general rate</p>	<ul style="list-style-type: none"> The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between the farming property and other classes of property. The farm rate is lower than for other classes of land because the farming operations involve large properties which have significant value and which are often operated as a family enterprise. Agricultural producers are unable to pass on increases in costs like other businesses. Farm profitability is affected by the vagaries of weather and international markets. In this sense, farms are seen to be more susceptible or fragile than other commercial and industrial operations. There is also some support within Council that, by virtue of their distance from urban centres, farming households' access and consumption of a range of services are lower, thereby justifying the lower differential farm rate. For example, there are services, such as street lighting, from which farm properties arguably obtain little or no direct benefit.
<p>Vacant land less than 2 ha 296% of the general rate</p> <p>-and-</p> <p>Vacant land between 2 ha and 40ha 234% of the general rate</p> <p>-and-</p> <p>Vacant land greater than 40ha 156% of the general rate</p>	<ul style="list-style-type: none"> The objective of differential rates for Vacant Land is to encourage the development of vacant land. The encouragement of development is strategically important as it has a positive effect on local employment and income whereas speculative behaviour may result in market instability and should be discouraged. Council holds the view that the vacant land differential should be higher than the general rate to encourage the development of land and ensure that all rateable land will make an equitable financial contribution to the cost of carrying out the functions of Council. Furthermore, Council also believes that a higher differential rate will also assist to partly offset the costs of servicing new land, including major infrastructure studies and the implementation of interconnecting infrastructure between subdivisions. However, the more difficult task is determining an appropriate differential to the general rate.



Category	Rationale
<p>Commercial 110% of the general rate</p> <p>-and-</p> <p>Industrial 110% of the general rate</p>	<ul style="list-style-type: none"> • The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between commercial/industrial property and other classes of property. The differential is set higher than for other classes of land for several reasons, including: <ul style="list-style-type: none"> ○ the tax deductibility of Council rates for commercial properties, ○ the greater burden imposed by businesses on Council as demonstrated by the need for public infrastructure, ○ rates tending to be a lower order factor in business investment decisions, ○ the income-generating capability of commercial- or industrial-based properties. ○ The application of a Commercial/Industrial differential rate is aimed at fostering the creation of a vibrant local economy through the promotion of tourism and business investments, development of a sustainable public infrastructure and improvements in health, support and community services within the municipality.
<p>Undevelopable land – 100% of the general rate</p>	<ul style="list-style-type: none"> • The current vacant land differentials are set at a higher rate to encourage owners to develop their land. However, there are instances where the land cannot be developed with a legal dwelling due to Planning and Environmental Health requirements. It would be unfair to continue to charge the higher differential to these undevelopable land owners if they have no reasonable prospect of ever being able to reduce the differential through development.

1.2 User Fees and Charges

Council has the opportunity to implement user pays models for user fees and charges and reviews these charges for each budgeting period to maximise the ability of Council to recoup costs for individual services. This is not possible in all areas – e.g. swimming pool entry charges – as the true cost of service delivery would be beyond the reasonable expectation of the community to pay.

User fees and charges, where annual decisions are made include those detailed in sections 6.1 of this Strategy.



Fees and charges levels are determined based on factors such as:

- Whether the service is for the good of the community,
- If there a statutory price imposed,
- If there is a Council policy on subsidising the service, User pays modelling – charges
- Whether the price set is competitive with other suppliers, or
- Whether the price is in line with similar services delivered by similar-sized councils.

1.3 Grants

Council continually advocates for and seeks opportunity to benefit from grants, for both capital and operating expenditure. Expectation of success in this area forms part of the long-term financial plan calculations.

Ongoing (recurring) Financial Assistance Grants are based on a Commonwealth Government formula but Council continues to advocate for both greater allocation to the total amount allocated to grants, and to the percentage granted to small rural councils like the Pyrenees Shire. Generally, annual increases in these grants equate to the CPI value, however in 2020/21 financial year, increases were limited to 0.9% impacting on the amount received by Council.

Non-recurring grants, e.g. where Council applies for funding for specific infrastructure or community projects, are continually being sought to increase Council's revenue sources and improve / maintain essential assets to a standard expected by our communities.

1.4 Interest on Investments

Council received interest on funds managed as part of its investment portfolio, conservatively managed in accordance with its Investment Policy.

1.5 Borrowings

Whilst not a source of revenue, borrowings are an important cash management tool in appropriate circumstances – only approved through Council resolution. In previous years, Council agreed a vision of a debt-free status, achieved in September 2016 and continues its aim towards maintaining a responsible use of debt that facilitates the delivery of cost-effective and intergenerationally equitable service levels.

However, borrowings may be considered in the future for appropriate large capital works where the benefits are provided to future generations, in which case Council will aim to maintain such debt at sustainable levels.



2 INTRODUCTION

Under s. 93 of the *Local Government Act 2020*, all councils are required to prepare and adopt a Revenue and Rating Plan covering a minimum period of four financial years by the next 30 June following each Council election.

The Pyrenees Shire Council Revenue and Rating Plan provides the overall strategic framework which will guide Council in the management of its rating system and other revenue sources to ensure adherence to legislative requirements, best practice principles and strategic long-term financial objectives.

In accordance with the Integrated Strategic Planning and Reporting Framework, the Revenue and Rating Plan provides a medium-term plan outlining how Council will generate income to deliver on the Council Plan, programs and services as well as the capital works commitments over the 4-year period. The Plan defines Council's revenue and rating mix to meet the cost of delivering services to the community and incorporates consideration of the following factors:

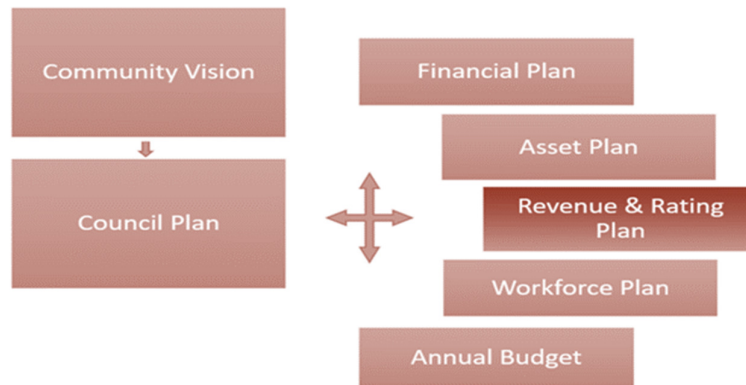
- how revenue will be generated through rates on properties and other sources;
- review of fees and charges for services and programs, including cost recovery policies;
- evaluation of the use of a municipal charge;
- assessment of recurrent and non-recurrent government grants;
- review of the differential classes, their definitions and objectives;
- evaluation of hardship policies, including the granting of concessions, rebates and rates deferment; and
- exploration of entrepreneurial, business, or collaborative activities to deliver programs or services and generate income or reduce costs.

3 PURPOSE

This Revenue and Rating Plan articulates Council's revenue-raising strategy of determining the most appropriate and sustainable mixture of rates, grants, fees and charges and other income that will provide the revenue stream needed for its annual budget and long-term financial plan whilst adhering to the tests of equity, efficiency, simplicity and diversity.

In accordance with the Integrated Strategic Planning and Reporting Framework, the strategies outlined in the Revenue and Rating Plan align with the objectives defined in the Council Plan and with the other strategic planning documents such as the Financial Plan, Asset Plan and Workforce Plan.





Source: Local Government Victoria, Model Revenue and Rating Plan 2021

4 BACKGROUND/CONTEXT

The Council provides a range of services and facilities to our community which are funded from a mixture of the following revenue sources:

- Rates and Charges
- Grants – Operating and Capital
- Asset Sales
- User Fees
- Contributions
- Statutory Fees and Fines
- Investment Property
- Interest from investments
- Other income

Rates represent the most significant revenue source for Council, comprising approximately 36% of its annual income, followed by operating (28%) and capital grants (19%).

The ability of councils to increase rates has been restricted by the introduction of rate capping under the Victorian Government’s Fair Go Rates System (FGRS) in 2016-17. With rate capping, the Minister for Local Government sets a maximum increase in the average rates bill that councils can charge each year. To increase rates above the rate cap, each council must make an application to the Essential Services Commission for an exemption to the rate cap. Without an exemption, councils may not exceed the cap (though they may choose a lower rate of increase). For each financial year, council rate rises are capped in line with the period's Consumer Price Index (CPI) forecast.

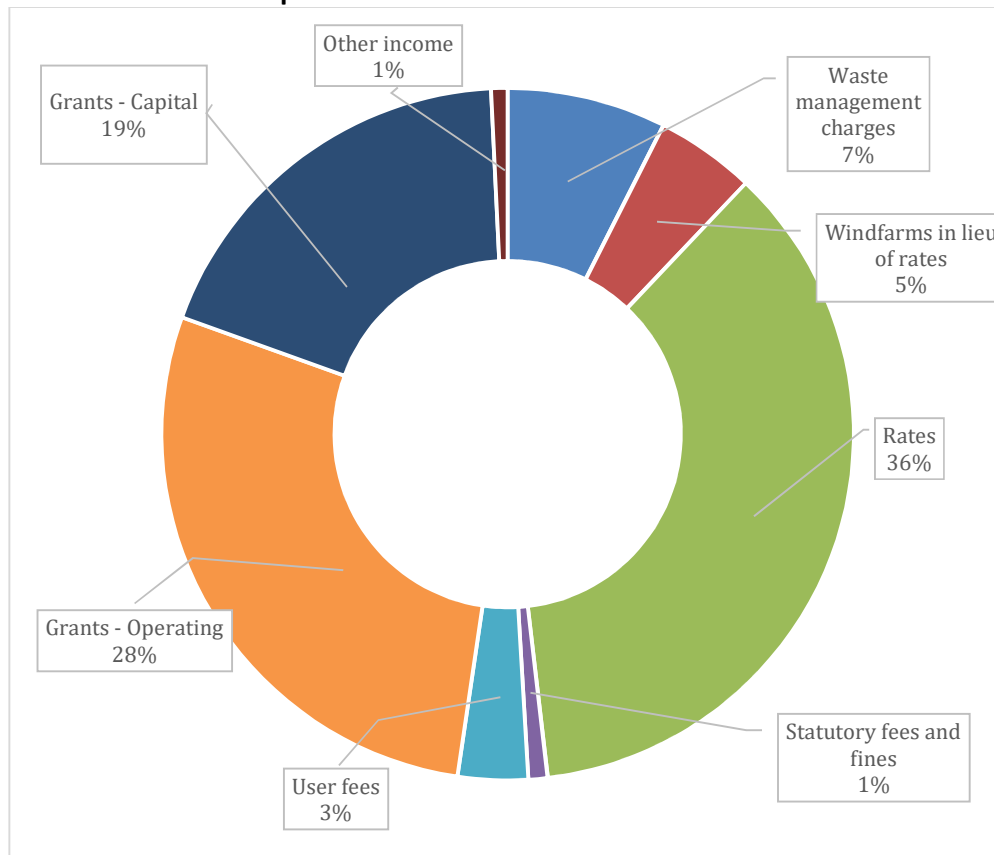
Grants from the State and Commonwealth Governments represent the second major source of revenue for Council. Like most rural and regional councils, Pyrenees Shire Council receive a higher level of grants per capita in comparison with metropolitan councils.



However, factors such as static or declining population, remoteness, ageing residents and large infrastructure asset bases also mean that rural and regional councils have higher expenses per capita and less capacity to raise revenue to cover their expenses since the burden of funding services and infrastructure can only be spread across fewer people.

These challenges will continue to impact the revenue-raising capacity of Pyrenees Shire Council, as demonstrated by our continuing reliance on rates and government grants to maintain service delivery levels and investment in community assets. This Revenue and Rating Plan will endeavour to address these challenges and propose viable and sustainable options to actively mitigate this reliance.

Council Revenue Composition 2021-22



Source: Pyrenees Shire Council Proposed Annual Budget 2021/22

5 RATES AND CHARGES

Rates are a form of property tax levied by councils to raise revenue to fund the delivery of essential public services and infrastructure to their community. Rates and charges are a key source of income for councils and the development of a fair rating strategy requires Council



to implement a rating system that is underpinned by fundamental taxation principles, legislative compliance and sound financial planning.

The rating system outlines the issues and rationale for applying rates and how the rate burden is shared by the community.

The current rating system may be summarised as follows:

- Capital Improved Value (CIV) will continue to be used as the rating base.
- No municipal charge.
- Differentials are currently set as follows:
 - House, Flats etc. – 100% of the general rate
 - Farm properties – 74% of the general rate
 - Vacant land less than 2 ha – 296% (or 400% of lowest differential) of the general rate
 - Vacant land between 2 ha and 40ha – 234% of the general rate
 - Vacant land greater than 40ha – 156% of the general rate
 - Commercial – 110% of the general rate
 - Industrial – 110% of the general rate
 - Undevelopable land – 100% of the general rate
- Recreational and Trust for Nature properties receive 50% discount on the general rate.

Rates are a key component of Council’s revenue – representing 36%. However, due to rate capping, they are a constrained area of revenue that limits Council’s capacity to provide all the services it would like to deliver, in order to maintain a balanced budget each year.

As part of its decision-making on rating strategies, Council conducts monitoring of the impact of annual valuations and associated rating calculations, and their impact on its community. However, due to the valuation system, Council cannot apply the cap to individual properties but only to the total rate pool, which is why it is highly unlikely in any year that an individual rate notice will align with the rate cap.

Where considered appropriate to mitigate spikes in rates increases caused by unexpected valuation changes in specific rating categories, Council has the ability to review the differentials within this strategy where needed to spread the impact across the community and provide relief from a rate levied on a certain land category.

Such a review will always seek to achieve the primary objective of Section 3C(2)(f) of the Local Government Act 1989, which is to ensure “the equitable imposition of rates and charges”. Special circumstances implemented through such a review, will generally only apply to one financial year at a time and will be agreed upon by Council Resolution.



5.1 RATING LEGISLATION

The *Local Government Act 1989* provides the legislative framework governing each council's ability to develop and adapt a rating system according to its own needs.

Under Section 155 of the *Local Government Act 1989*, 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

Furthermore, Council is required to use the valuation of the rateable property as the primary basis for the levying of rates. Section 157 (1) of the *Local Government Act 1989* stipulates the methods of valuation a Council may use. These are:

- site value (SV),
- capital improved value (CIV) and
- net annual value (NAV).

Pyrenees Shire Council adopted the Capital Improved Valuation (CIV) method in 1995 for rating purposes. CIV includes both the value of the land and any improvements on that land. In comparison to the other methods, Council holds the view that the use of CIV better reflects "capacity to pay" and provides Council with the flexibility to levy differential rates.

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:

- the total amount that the Council intends to raise by rates and charges,
- a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate,
- a description of any fixed component of the rates, if applicable,
- if the Council proposes to declare a uniform rate, the matters specified in section 160 of the *Local Government Act 1989*,
- 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 –

- 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
- that the Council has made an application to the ESC (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 Revenue and Rating Plan outlines the principles and strategic framework that Council will utilise in calculating and distributing the rating burden to property owners. The quantum of rate revenue and rating differential amounts will be determined in the Council's annual budget.

5.1.1 Wealth Tax

Wealth refers to the total value reflected in property and investments and income directed to day-to-day living.

Local government is limited to taxing one component of wealth through rates, which are a wealth tax determined on the value of property.

This approach implies that the rates paid relate directly to the value of a ratepayer's real property – the stored 'wealth' or unrealised capital gains inherent in land and buildings. It is acknowledged that this methodology has no correlation to the actual consumption of services or the perceived benefits derived by the individual ratepayer. This methodology also does not account for the percentage of the property might be owned by the ratepayer compared to a financial institution that owns a mortgage over the property.

As a small, rural council, Pyrenees Shire Council is limited to this form of taxation and considers the application of other rating tools; such as differential rating, waivers and deferrals, are more effective in moderating the effect of property value on the level of rates paid and making the system more equitable, in addition to considering other factors such as the capacity to pay.

5.2 RATING PRINCIPLES

The local government rating system presents some of the most complex and sensitive issues on which Council decisions are required each year. As part of its rating strategy, the Pyrenees Shire Council aims to ensure that the design of its rating system and how it is applied is underpinned by commonly used taxation principles in order to minimise any unintended consequences and costs on business and the community, in particular the two key principles of Equity and Capacity to Pay.

5.2.1 Equity

There are two main equity concepts used to guide the development of rating strategies:

Horizontal equity – taxpayers in similar circumstances should be treated in a similar way (ensured mainly by accurate property valuations undertaken in a consistent manner, their classification into homogenous property classes and the right of appeal against valuation).



Vertical equity – taxpayers with greater capacity to pay should pay more taxes (the rationale applies for the use of progressive and proportional income taxation; it implies a “relativity” dimension to the fairness of the tax burden).

The tests of horizontal and vertical equity are solely based on a property’s value. Equity considerations for Council focus on similar rating differentials for the same class or category of property / land, and the sharing of service costs between ratepayers receiving the same level of service.

5.2.2 Capacity to Pay

In its rating strategy, Council has always considered the “capacity to pay” principle as one of the primary arguments in its setting of differential rates and strives to incorporate the following factors in its rating decisions:

- Distribution of income and wealth across the municipality,
- Size of businesses and council services used or consumed,
- Assessment of the poor and disadvantaged in the community (single renting pensioners and unemployed as well as home-owning pensioners),
- Property profiles within the municipality, such as agricultural land, vacant landowners, investors, owners of large blocks or small blocks,
- Review of the rating of specific uses such as charities and not for profit organisations,
- Assumptions about the relative capacities of different types of property owners, e.g. pensioners versus single-income families with little home equity,
- Proportion of small/large/heavy/light/rural business in the economy,
- Comparison of similar rates – e.g. a small business with a house versus family farm,
- Appropriateness of rebates for addressing environmental problems,
- Benchmarking Council’s rates against similar-sized councils and identifying reasons for differences, and
- Benefit of extra program funding – i.e. which property owners are benefitting, and which ones are disadvantaged.

Although Council believes that a fair rating strategy should ideally explain the differences in the rates paid by different classes of property on the basis of equity, any attempt to define and measure “capacity to pay” will always prove difficult due to certain constraints such as:

- the diversity of land uses within each class,
- data limitations including the currency and relevance of economic and financial data pertinent to the Pyrenees Shire Council, and
- the problem with respect to owner-occupied residential properties which would require developing assumptions about their potential income, profits and returns.



5.2.3 Benefit Principle

The context of 'benefit' is the extent to which there is a nexus or relationship between consumption/benefit and the rate burden.

In practice, the application of the benefit principle to Council rates requires the complex and costly process of measuring the relative levels of access and consumption across the full range of Council services, as well as regularly conducting in-depth analyses on service access, consumption patterns and costs in order to attempt to review the level of benefit.

As an alternative, Council believes that user charges, special rates and charges, and service rates and charges – i.e. user pays where appropriate - serve as better pricing instruments in dealing with the issue of benefit.

5.2.4 Efficiency

Economic efficiency is measured by the extent to which production and consumption decisions by people are affected by a tax.

The economic efficiency in revenue collection is largely influenced by price and administration costs. A simple rating system may be more transparent and minimise administration costs. However, it is also possible for a simple rating system to be costly if it proves to be unpopular and results in increased appeals and higher collection costs. Therefore, a mix of rates revenue and user charges is applied to fund a variety of Council services.

5.2.5 Simplicity

This represents how easily a rates system can be understood by ratepayers and the practicality and ease of administration.

It is acknowledged that the overarching rating system is complex and not easily understood by all ratepayers – particularly where a rate capping percentage is not directly transferable to the actual annual increases or decreases in an individual property's rates payable which are influenced by valuation changes and the differentials determined by Council.

From an administration perspective, rates are generally simple to administer since they are based on a clear information source (property values) and levied on a tangible good, i.e. land and improvements.

In striving to achieve simplicity in its rating system, Council's decisions aim to deliver a simple rating scheme that is reasonably understood by the ratepayers and also easy and practical to administer.

5.2.6 Diversity

Diversity is the capacity of ratepayers within a group to pay rates.



Council's rate-setting process assesses the general capacity of different groups of ratepayers to pay rates. However, there are practical limits to the extent that groups may be differentiated because of impacts on efficiency and simplicity, and the issue of whether the assumptions made about a group of ratepayers accurately reflect the circumstances of its members. Determining the appropriate balance between diverse and competing considerations will always remain a challenge for councils in developing their rating strategy.

Council does this by using differentials between property categories, in compliance with the *Ministerial Guidelines for Differential Rating 2013*. These differentials are reviewed annually to ensure that valuation outcomes haven't created unexpected financial pressure on specific property categories that could be minimised by spreading the burden across our ratepayers more generally.

5.3 BASIS OF VALUATION

Under the *Local Government Act 1989*, councils may elect to use one of the following valuation methodologies:

- **Site Value (SV)** – refers to the value of land only, and assumes the land is vacant with no improvements (such as buildings).
- **Capital Improved Value (CIV)** – refers to the assessed market value of the property including both land (SV) and all improvements on the land (such as buildings).
- **Net Annual Value (NAV)** – represents the annual rental value of a property based on CIV.

Capital Improved Value (CIV)

Over 90% of Victorian councils apply the Capital Improved Value (CIV) methodology of valuation. It is generally easily understood by ratepayers since it is based on 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.

Since the CIV rating method takes into account the full development value of the property, it is widely supported as a better valuation methodology in meeting the equity and “capacity to pay” criteria as well as in achieving predictability of market values, ease of understanding, comparability of rating and valuation data between councils and flexibility in the distribution of the rating burden through differential rates. However, the main disadvantage with CIV



will always be the perception that rates based on the total property value may not necessarily reflect the income level of the property owner as is the case with pensioners and low-income earners.

Site value (SV)

At present, no Victorian council is using the Site Value (SV) method of valuation.

This lack of support for the SV method may be attributed to the following disadvantages:

- a) significant shift in rate burden from the industrial / commercial sector to the residential sector of Council,
- b) property owners that have large areas of land with much smaller/older dwellings will pay more compared to those with smaller land areas with well-developed dwellings,
- c) increased pressure on Council to give concessions to categories of landowners who may be disproportionately disadvantaged by the use of site value – e.g. farm landowners,
- d) reduced flexibility and options for Council to deal with any rating inequities due to the removal of the ability to levy differential rates, and
- e) greater difficulty in understanding the SV valuation on ratepayers' notices.

On the other hand, SV may offer Council some scope for possible concessions for urban farm land and residential-use land. But there is very little evidence to support the implementation of site valuation in the Pyrenees Shire Council.

Net annual value (NAV)

The Net Annual Value (NAV) represents the annual rental value of a property and is calculated by valuers as 5 per cent of CIV. The NAV for residential and primary production properties is 5 per cent of CIV. The NAV for non-residential (commercial and industrial) properties is the greater of either:

- a) the estimated annual market rental of the property minus all legislated expenses to maintain that property (except council rates), or
- b) 5 per cent of CIV.

Overall, the use of NAV is not largely supported due to the differences in the treatment of residential and farm properties as opposed to commercial and industrial properties, thereby making it more difficult for the ratepayers to understand.

Recommended Basis of Valuation

Council is currently utilising the Capital Improved Value (CIV) method of valuation for rating purposes. The (CIV) method of valuation allows Council to adopt a differential rating structure, which provides the flexibility to levy differential rates, thereby facilitating the shifting of the rate burden from some groups of ratepayers to others, through different “rates in the dollar” for each class of property.



Council's decision to use CIV as the basis for rates is largely underpinned by the following:

- the wide support for the CIV method as it takes into account the full development value of the property and is therefore viewed to achieve greater equity and efficiency.
- CIV is based on market values, which are more predictable and easily understood than NAV or SV.
- the comparability of rating and valuation information between councils is facilitated due to the adoption of CIV by most councils in Victoria.
- the use of CIV allows the application of differential rates, which equitably distribute the rating burden based on ability to afford council rates, i.e. CIV allows Council to apply higher rating differentials to the commercial and industrial sector that offset residential rates.

Property Valuations

Under the *Valuation of Land Act 1960*, the Victorian Valuer-General conducts property valuations on an annual basis. Council applies a Capital Improved Value (CIV) to all properties within the municipality to take into account the total market value of the property including buildings and other improvements. The value of land is always derived by valuing the highest and best use of the land at the time of valuation.

Councils do not collect extra revenue because of changes in property valuations. Valuations are simply used to help calculate the rates payable for each individual property. As part of its differential rating strategy, Council takes into consideration the impacts of revaluations on the various property types to ensure the consistent affordability of Council rates and the smoothing of any significant rating fluctuations.

Supplementary Valuations

The Victorian Valuer-General is the authority responsible for the conduct of supplementary valuations and the provision of monthly advice to council regarding basis of valuation and Australian Valuation Property Classification Code (AVPCC) changes. Supplementary valuations may be carried out for a number of reasons including rezoning, subdivisions, amalgamations, renovations, new constructions, extensions, occupancy changes and corrections.

Supplementary valuations bring the value of the affected property in line with the general valuation of other properties within the municipality. In accordance with Part 3 of the *Valuation of Land Act 1960*, any objections to supplementary valuations must be lodged with Council within two months of the issue of the supplementary rate notice.

Objections to Property Valuations

Under Part 3 of the *Valuation of Land Act 1960*, a property owner has the right to 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.

Any objection to the valuation or the AVPCC must be lodged with Council and in writing by the property owner. Property owners also have the right to object to the site valuations on receipt of their Land Tax Assessment. Furthermore, property owners may 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).

5.4 RATING DIFFERENTIALS

Council believes that property value is the best indicator of the capacity to pay rates and the implementation of a differential rating system will contribute to the equitable and efficient distribution of the rating burden.

The current rating system in the Pyrenees Shire Council is characterised by the following:

- no municipal charge (as per legislation, 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 (total rates),
- differential rates applying to general (residential, commercial & industrial), farm and vacant land properties and a rate declared under the *Cultural and Recreational Lands Act* on recreational properties.

Councils may elect 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 chooses to apply a differential rating system, it must adopt either the Capital Improved Value (CIV) or Net Annual Value (NAV) methods of rating in accordance with the *Local Government Act 1989*.

Section 161(1) of the *Local Government Act 1989* outlines the requirements relating to differential rates, which include:

- a) A Council may raise any general rates by the application of a differential rate, if Council considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- b) If a Council declares a differential rate for any land, the Council must specify the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Council's functions and must include the following:
 - (i) A definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate.
 - (ii) An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Council's district).



- (iii) Specify the characteristics of the land, which are the criteria for declaring the differential rate.

Once the Council has declared a differential rate for any land, the Council must:

- a) specify the objectives of the differential rates; and
- b) specify the characteristics of the land which are the criteria for declaring the differential rate.

In developing its rating strategy, Council aims to ensure that the differential rates applied are consistent with the provisions of the *Local Government Act 1989* and that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council.

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

The effect of levying differential rates, like the municipal charge, is to reduce the impact of the property valuation on the amount of rates paid. The application of a differential rate means that one class of property is treated differently from another – either paying a higher or lower rate in the dollar. For each effect a differential rate has on one class, it will have the opposite effect for other property classes. A rate discount given to one class of property can only be covered by higher rates paid by other classes and vice-versa.

It is recommended that Council continues to utilise a differential rating system as it allows greater discretion and flexibility in distributing the rate burden across different classes of property and facilitating appropriate developments in the best interests of the community.

The definitions, objectives, characteristics, uses, classes of land and other details pertaining to each differential rate are outlined below:

Residential Rate (General Rate)

Definition: Residential land is any rateable land wherever located within the municipality which has a dwelling that can be occupied for the principal purpose of physically accommodating persons, and does not have the characteristics of Vacant Land, Farmland, Commercial Land or Industrial Land.

Objectives: To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined



Residential Rate (General Rate)

general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

Characteristics: The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable in this category. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes: Rateable property which:

- is used primarily for private residential purposes (that has been granted an Occupancy Certificate as determined by the Pyrenees Shire Council Building Department,
- meets the requirements of the *Building Act 1993*, including but not limited to houses, dwellings, flats, units, excluding motels, caravan parks, supported accommodation,
- any land that is not defined as Vacant, Farm, Commercial or Industrial Land.

Use of Rate: The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between the residential property and other classes of property.

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate: 100% of General Rate.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Commercial / Industrial Rate

Definition: Commercial/Industrial Land is any land which is:

- used primarily for carrying out the manufacture or production of, or trade in goods or services (including tourist facilities and in the



Commercial / Industrial Rate

case of a business providing accommodation for tourists, is prescribed accommodation as per Public Health and Wellbeing Act (Vic) 2008; or

- b) unoccupied building erected which is zoned Commercial or Industrial under the Victorian City Council Planning Scheme; or
- c) unoccupied land which is zoned Commercial or Industrial under the Victorian City Council Planning Scheme.

Objectives:

The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between the commercial/industrial property and other classes of property. The differential is set higher than for other classes of land for several reasons, including:

- the tax deductibility of Council rates for commercial properties,
- the greater burden imposed by businesses on Council as demonstrated by the need for public infrastructure,
- rates tending to be a lower order factor in business investment decisions,
- the income-generating capability of commercial- or industrial-based properties.

The application of a Commercial/Industrial differential rate is aimed at fostering the creation of a vibrant local economy through the promotion of tourism and business investments, development of a sustainable public infrastructure and improvements in health, support and community services within the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Commercial or Industrial Land.

The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Commercial properties having the relevant characteristics described below:

- 1) Rateable properties used or adapted to be used for business and/or administrative purposes, including but not limited to properties used for:
 - a) The sale or hire of goods by retail or trade sales, e.g. shops, auction rooms, hardware stores,
 - b) The manufacture of goods where the goods are sold on the property,
 - c) The provision of entertainment, e.g. theatres, cinemas, amusement parlours and the like,



Commercial / Industrial Rate

- d) Media/broadcasting/communication establishments, e.g., television stations, newspaper offices, ration stations and the associated facilities,
 - e) The provision of accommodation other than private residential, e.g. motels, caravan parks, camping grounds, camps, supported accommodation, accommodation houses, hostels, boarding houses,
 - f) The provision of hospitality, e.g. hotels, bottle shops, restaurants, cafes, takeaway food establishments, tea rooms,
 - g) Tourist and leisure industry, e.g. flora and fauna parks, gymnasiums, indoor sport stadiums, gaming establishments,
 - h) Art galleries, museums,
 - i) Showrooms, e.g. display of goods,
 - j) Brothels,
 - k) Commercial storage (mini storage units, wholesale distributors),
 - l) Religious purposes,
 - m) Public offices,
 - n) Halls for commercial hire,
 - o) Mixed businesses/milkbars.
- 2) Properties used for the provision of health services, including but not limited to properties used for hospitals, nursing homes, rehabilitation, medical practices and dental practices.
- 3) Properties used primarily as offices or for administration purposes including but not limited to properties used for legal practices, real estate agents, veterinary surgeons, accounting firms, insurance agencies or any other organization, group, association or respective body.

Industrial properties having the relevant characteristics described below:

Rateable properties which are used primarily for manufacturing processes, including, but not limited to the following:

- a) The manufacture of goods, equipment, plant, machinery, food or beverage which are generally not sold or consumed on site,
- b) Warehouse/bulk storage of goods,
- c) The storage of plant and machinery,
- d) The production of raw materials in the extractive and timber industries,
- e) The treatment and storage of industrial waste materials.

Use of Rate:

The Commercial/Industrial differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level



Commercial / Industrial Rate

of the differential rate is the level which Council considers is necessary to achieve the objectives specified above. The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between the commercial/industrial property and other classes of property.

Level of Rate: 110% of the General Rate.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Farm Rate

Definition: Farm land is defined as any rateable land which meets the definition as described under Section 2(1) of the *Valuation of Land Act 1960*:

- a) any rateable land that is 2 or more hectares in area,
- b) used for carrying on a business of primary production as determined by the Australian Taxation Office,
- c) used primarily for agricultural production (grazing, including agistment, dairying, pig-farming, poultry farming, fish farming, tree farming, beekeeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities, and
- d) used by a business:
 - which has a significant and substantial commercial purpose of character, and
 - seeks to make a profit on a continuous or repetitive basis from its activities on the land, and
 - is making a profit from the activities on the land if it continues to operate in the way that it is operating.

Council has decided that the Farm Properties definition for differential rating purposes be revised to only capture rateable properties which have primary production as its substantive use and exclude properties where primary production is secondary or incidental to the property use (commonly referred to as lifestyle properties). Therefore, the



Farm Rate

current differential farm rate will only be applicable to genuine farming operations as distinct from hobby or rural lifestyle properties.

It was also determined that the definition of Farm Land for differential rating purposes be modified so that rural lifestyle properties are no longer defined as Farm Land for differential rating purposes. Properties where primary production and associated improvements are secondary to the value of the residential home site and associated residential improvements should not be classified as Farm Land for differential rating purposes. Similarly, vacant properties in a rural, semi-rural or bushland setting that have no restrictions or are not likely to encounter difficulties in obtaining building purposes should not be classified as Farm Land for differential rating purposes.

Objectives:

To ensure that the differential Farm Land rate is fair and equitable through the application of a discount to farm land properties as Council believes these properties pay disproportionately higher rates in relation to income generated, because of the higher land component.

In its considerations of the cost and benefits of delivering services to the community, Council aims to assist in maintaining the sustainability of the farming sector as a major industry and balancing its strong agricultural base with the overall economic growth in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to Farm Land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Farm Land having the relevant characteristics described below:

- a) used primarily for primary production purposes, or
- b) any land that is not defined as General, Commercial / Industrial or Vacant Land.

Use of Rate:

The rate reflects the level of service provided and ensures that reasonable rate relativity is maintained between the farming property and other classes of property. The farm rate is lower than for other classes of land because the farming operations involve large properties which have significant value and which are often operated as a family enterprise. Agricultural producers are unable to pass on increases in costs like other businesses.

Farm profitability is affected by the vagaries of weather and international markets. In this sense, farms are seen to be more susceptible or fragile than other commercial and industrial operations.



Farm Rate

There is also some support within Council that, by virtue of their distance from urban centres, farming households' access and consumption of a range of services are lower, thereby justifying the lower differential farm rate. For example, there are services, such as street lighting, from which farm properties arguably obtain little or no direct benefit.

Level of Rate: 74% of the General Rate.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Non-Farm Vacant Land less than two hectares (Urban)

Definition: Vacant land in this class is any land wherever located within the Municipality that is less than two hectares in size, on which no dwelling is erected and does not meet the criteria of any other rating differential.

Objectives: The objective of this differential rate for Non-Farm Vacant Land less than two hectares (Urban) is to encourage the development of vacant land. The encouragement of development is strategically important as it has a positive effect on local employment and income whereas speculative behaviour may result in market instability and should therefore be discouraged.

Council holds the view that the Non-Farm Vacant Land differential in this category should be higher than the general rate to encourage the development of land and ensure that all rateable land will make an equitable financial contribution to the cost of carrying out the functions of Council.

Furthermore, the Council also believes that a higher differential rate will also assist to partly offset the costs of servicing new land, including major infrastructure studies and the implementation of interconnecting infrastructure between subdivisions. However, the more difficult task is determining an appropriate differential to the general rate.



Non-Farm Vacant Land less than two hectares (Urban)

Characteristics: The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate of non-farm vacant land in this category. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes: Land that has not been developed, does not meet the criteria of any other rating differential and is less than 2Ha in size. Although many properties will fall within an urban zone, it is not compulsory.

Use of Rate: The differential rate will be used to fund those items of expenditure outlined in the Council budget documentation. The level of the differential rate is that which Council considers necessary to achieve those objectives specified above.

Level of Rate: Non-Farm Vacant Land Properties under 2Ha in area tend to be within townships and have a greater requirement of public infrastructure than Rural Residential land, therefore the differential has been set at: 296% of lowest differential.

Use of Land: Any use permitted under the Pyrenees Shire Council planning Scheme.

Geographic Location: Wherever located within the municipal district.

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: Not applicable.

Non-Farm Vacant Land between two and forty hectares (Rural Residential)

Definition: Vacant land in this class is any land wherever located within the Municipality that is between two and forty hectares in size, on which no dwelling is erected and which does not meet the criteria of any other rating differential.

Objectives: The objective of this differential rate for Vacant Land is to encourage the development of vacant land. The encouragement of development is strategically important as it has a positive effect on local employment and income whereas speculative behaviour may result in market instability and should be discouraged.

Council holds the view that the vacant land differential should be higher than the general rate to encourage the development of land



Non-Farm Vacant Land between two and forty hectares (Rural Residential)

and ensure that all rateable land will make an equitable financial contribution to the cost of carrying out the functions of Council.

Furthermore, the Council also believes that a higher differential rate will also assist to partly offset the costs of servicing new land, including major infrastructure studies and the implementation of interconnecting infrastructure between subdivisions. However, the more difficult task is determining an appropriate differential to the general rate.

Characteristics: The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate of non-farm vacant land in this category. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes: Land that has not been developed, does not meet the criteria of any other rating differential, and the total property area is between 2Ha and 40Ha in size.

Use of Rate: The differential rate will be used to fund those items of expenditure outlined in the Council budget documentation. The level of the differential rate is that which Council considers necessary to achieve those objectives specified above.

Level of Rate: Non-farm vacant land properties between 2Ha and 40Ha in area tend to be within rural residential areas and have a lesser requirement of public infrastructure than vacant urban land, therefore the differential has been set at: 234.42% of lowest differential.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: Not applicable to this category.

Non-Farm Vacant Land greater than forty hectares (Rural)

Definition: Vacant land in this class is any land wherever located within the Municipality that is greater than forty hectares in size, on which no dwelling is erected, and which does not meet the criteria of any other rating differential.



Non-Farm Vacant Land greater than forty hectares (Rural)

Objectives: The objective of this differential rate for Non-Farm Vacant Land greater than forty hectares (Rural) is to encourage the development of vacant land. The encouragement of development is strategically important as it has a positive effect on local employment and income whereas speculative behaviour may result in market instability and should be discouraged.

Council holds the view that the vacant land differential should be higher than the general rate to encourage the development of land and ensure that all rateable land will make an equitable financial contribution to the cost of carrying out the functions of Council.

Furthermore, the Council also believes that a higher differential rate will also assist to partly offset the costs of servicing new land, including major infrastructure studies and the implementation of interconnecting infrastructure between subdivisions. However, the more difficult task is determining an appropriate differential to the general rate.

Characteristics: The characteristics of the planning scheme zoning are applicable to the determination of land which will be subject to the rate of non-farm vacant land in this category. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes: Land that has not been developed, does not meet the criteria of any other rating differential, and the total property area is greater than 40Ha in size.

Use of Rate: The differential rate will be used to fund those items of expenditure outlined in the Council budget documentation. The level of the differential rate is that which Council considers necessary to achieve those objectives specified above. This land is generally used by people who have a hobby farm that does not meet the classification requirements under the Farm differential, which is reserved for entities with a substantial and commercial purpose.

Level of Rate: Non-farm vacant land properties greater than forty hectares (Rural) Properties greater than 40Ha in area tend to be within rural areas and have a lesser requirement of public infrastructure than vacant urban land and rural residential land, therefore the differential has been set at: 156.28% of lowest differential.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.



Non-Farm Vacant Land greater than forty hectares (Rural)

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: Not applicable to this category.

Undevelopable Land

Definition: Land deemed not suitable for residential, commercial or industrial purposes due to the restrictions under the Pyrenees Shire Council's Planning Scheme.

Objectives: To ensure that the differential rate applied to undevelopable land is fair and equitable and does not pose any unnecessary financial burden on property owners. In its consideration of the cost and benefits of delivering services to the community, Council will examine the potential use of undevelopable land as green space and links/corridors to conservation areas and wildlife reserves.

Characteristics: The characteristics of the planning scheme zoning are applicable to the determination of undevelopable land which will be subject to the general rate. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes: Land in Pyrenees Shire Council that cannot be used for residential, commercial or industrial purposes (including extractive industry) due to the constraints outlined under the Pyrenees Shire Council Planning Scheme.

Use of Rate: The current vacant land differentials are set at a higher rate to encourage owners to develop their land. However, there are instances where the land cannot be developed with a legal dwelling due to Planning and Environmental Health requirements. It would be unfair to continue to charge the higher differential to these undevelopable land owners if they have no reasonable prospect of ever being able to reduce the differential through development.

Level of Rate: 100% of the General Rate.

Use of Land: Any use permitted under the Pyrenees Shire Council Planning Scheme.

Geographic Location: Wherever located within the municipal district.



Undevelopable Land

Planning Scheme Zoning: The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Pyrenees Shire Council Planning Scheme.

Types of Buildings: Not applicable for this category.

5.4.1 Discount Schemes

Cultural and Recreational Land

Definition: Rateable property which is used primarily for cultural, recreational or club activities. including golf clubs, bowls clubs, scout or guide halls, masonic halls, historical societies and heritage buildings (not for profit).

Objectives: The provision of rate relief to recreational land is provided by the *Cultural and Recreational Lands Act 1963*. The Act effectively provides for properties used for outdoor activities to be differentially rated unless it involves land that is being leased from a private landowner.

The discretion of whether to provide a cultural and recreational land rate rests with Council.

Council considers that the provisions under the *Cultural and Recreational Lands Act* provides a more appropriate vehicle for declaring rates on recreational land rather than the differential rating powers under the Local Government Act because:

- there is no risk to the legal basis for recovery of rates from recreational properties which cease to be recreational land,
- the 4:1 ratio between the highest and lowest differential rates is not a consideration for councils wishing to set particularly low cultural and recreational land rates, and
- the application of the cultural and recreational lands rates is generally provided on a property by property basis, rather than the consideration of a broad property class.

The requirement in the Act that “the rates set must have regard to the services provided by the councils in relation to such lands and the community benefit derived from such recreational lands” has never been applied in the technical sense. Rather than calculating the costs that local government bears, or the benefits



Cultural and Recreational Land

received by locals in relation to these properties, most Victorian councils using recreational rates set them at either 50% or 75% of the general/residential rate.

Even an assessment of the more direct costs involved – for example, depreciation of the local road assets related to access, is problematic and would require collection of information on how much additional traffic is generated by the existence of such facilities.

Cultural and recreational lands will also benefit indirectly from other council services expenditure. The quantification of the local benefits received in terms of income, employment, social interaction, community and physical wellbeing is also problematic. The resources which would be involved in attempting an accurate assessment of “benefits and costs” is unlikely to be justifiable on efficiency grounds, especially given the levels of rate income involved.

Due to the complexity in determining the rates for cultural and recreational land, a rebate of 50% will be granted by Council to properties classified as Cultural and Recreational Land.

Types and Classes:

Rateable property which is used primarily for cultural, recreational or club purposes.

Recreational Land is defined as follows:

- a) lands which are –
 - (i) vested in or occupied by anybody corporate or unincorporated 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 objectives and prohibits the payment of any dividend or amount to its members; and
 - (ii) are used for sporting recreational or cultural purposes or similar activities; or
- b) lands which are used primarily as agricultural showgrounds; or
- c) lands which are not otherwise classified by another differential, used primarily by a not-for-profit club* and:
 - (i) not used for the purpose of running a business on a full-time commercial basis; and/or
 - (ii) the club does not pay any employees, contractors or members to perform duties associated with the operations of the club; and/or
 - (iii) is not a licensed premise.



Cultural and Recreational Land

For the purpose of this rating classification the following applies:

- “Club” includes an association, society, fraternity, guild, lodge or circle; and,
- A club is “not-for-profit” if:
 - (i) it does not, either while it is operating or upon winding up, carry on its activities for the purpose of profit or gain to particular persons, including its owners or members; and
 - (ii) it does not distribute its profits or assets to particular persons, including its owners or members, either while it is operating or upon winding up.

Level of Rate: 50% of the General Rate.

Trust for Nature Covenants

Definition: Rateable land which has a Trust for Nature Covenant applying to the land. A Trust for Nature Covenant enables the permanent protection of significant areas of natural bush habitat on private land. It is a voluntary agreement between the ratepayer and Trust for Nature and is to be recognised on title.

Objectives: Council recognises the public and environmental benefit that Trust for Nature Covenants provide and supports ratepayers with these covenants by offering the reduction of rates payable through its biodiversity and land management incentive program. All assessments in this category are on a concessional differential rate in accordance with Section 169 1d of the *Local Government Act 1989* which states that “A council may grant a rebate or concession in relation to any rate or charge to assist in the proper development of part of the municipal district.”

Further to this, Sec 169 1B of the Act states that Council may only grant a rebate or concession

- a) to owners of specified rateable properties not exceeding one third of the rateable properties in the municipal district; or
- b) to owners or rateable properties who undertake to satisfy terms that directly relate to the community benefit as are specified by Council.

The concessional difference is currently set by Council at a 50% reduction of the General Rate. The discount only applies to the part of the land covered by the covenant, excluding any area defined in the deed as “domestic area”.



Trust for Nature Covenants

Level of Rate: 50% of the General Rate.

5.5 MUNICIPAL CHARGE

Section 159 of the *Local Government Act 1989* provides councils with another rating option to declare a municipal charge to cover some of its administrative costs. The legislation, however, does not require councils to specify what comprises administrative costs and what is covered by the charge.

Revenue raised from a municipal charge in a financial year must not exceed 20% of the combined sum total of the council's total revenue from general rates and municipal charges.

The application of a municipal charge represents a choice to raise a portion of the rates through a flat fee levied on all properties rather than the sole use of the CIV valuation method. The municipal charge applies equally to all properties and is based upon the recovery of a fixed cost of providing administrative services irrespective of valuation. The equity objective in levying rates against property values is lost in a municipal charge as it is levied uniformly across all assessments.

Council abolished the levying of municipal charge in 2006/2007 and will continue to maintain its position of not levying a municipal charge for a number of reasons:

- a) Firstly, there are mixed views about the fairness of levying municipal charges due to its regressive impact in shifting the rate burden from higher-value properties to lower-value properties.
- b) Furthermore, the current legislation also lacks guidance on what costs should be covered as well as which calculation methods should be used to determine the municipal charge to be levied.

Council believes that the application of a municipal charge will not provide a targeted rating instrument like differential rating, and the use of differential rates would provide a more transparent and accurate means of achieving a fair rate outcome for all classes of properties.

5.6 SPECIAL CHARGE SCHEMES

Under Section 163 of the *Local Government Act 1989*, councils are vested with the power to levy a special rate or special charge for the purpose of providing a special benefit to a defined group of ratepayers. Legislation allows councils to recover the cost of works or services from property owners who receive an exclusive benefit from such works or services.

The purposes for which special rates and special charges may be used include road construction, kerb and channelling, footpath provision, drainage, and other capital improvement projects. Special rates and charges have been used by Council in the past to fund the construction of kerb and channelling.



In accordance with Section 163 (3), a council must specify:

- a) the wards, groups, uses or areas for which the special rate or charge is declared, and
- b) the land in relation to which the special rate or special charge is declared,
- c) the manner in which the special rate or special charge will be assessed and levied, and
- d) details of the period for which the special rate or special charge remains in force.

Special rates and charges are specifically designed to address the benefit principle as they are specifically targeted towards ratepayers that receive an exclusive or additional benefit from particular council expenditures. The consideration of such special charge schemes is regularly assessed and reviewed by Council in the development of its pricing policies for services to ensure that the appropriate rates and charges are applied in the collection of any revenue required for the delivery of services.

5.7 SERVICE RATES AND CHARGES

Section 162 of the *Local Government Act 1989* 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 sewage services, and
- d) Any other prescribed service.

Council levies Waste Management Service Charges for the collection and disposal of household refuse and recyclables. The service currently consists of one of the following:

- a) Urban Kerbside Collection areas – weekly collection of one landfill bin, the fortnightly collection of one recycling bin, monthly collection of one green organics bin, and access to free disposal of domestic quantities of waste at one of Council’s Transfer Stations, or
- b) Rural Kerbside Collection areas – fortnightly collection of one landfill bin, the fortnightly collection of one recycling bin, monthly collection of one green organics bin, and access to free disposal of domestic quantities of waste at one of Council’s Transfer Stations, or
- c) Free disposal of domestic quantities of waste at one of Council’s Transfer Stations.

In-line with the State Government’s Household Waste reform from 1 July 2021 Urban and Rural Kerbside collection areas will receive an additional monthly glass bin collection service.

All residential properties within the municipality must have a waste service. The urban and rural waste collection areas are declared by Council on adopted maps.

In its waste service provision, Council will maintain its full cost recovery approach by setting the service charge for waste at a level that fully recovers the cost of the waste function,



including the operational, capital upgrade works and maintenance costs of Transfer Stations as well as the cost of rehabilitation of past and current landfill sites and transfer stations when they reach the end of their useful life.

Council recognises that the application of a Waste Management Service Charge is readily understood and accepted by residents as a fee for a direct service that they receive. Furthermore, it also supports equality in the rating system since all residents receiving exactly the same service level all pay an equivalent amount.

It is recommended that Council retain the application of a Waste Management Service Charge since the absence of such a waste service charge would mean that the deficit amount must be raised through an increased general rate. Furthermore, Council holds the view that the mix of levying a single fixed charge combined with valuation-driven rates for the remainder of the rate invoice will provide a more balanced and equitable outcome.

5.8 ALTERNATIVE RATING SCHEMES

The *Electricity Industry Act 1993* (now the *Electricity Industry Act 2000*) provided for the newly privatised electricity generators to choose to negotiate an agreement with councils to make payments in lieu of rates. The agreement is generally referred to as a PiLoR (Payment in Lieu of Rates) agreement.

The PiLoR arrangements apply only to the land on which the generation units are situated. Related assets, such as transformers and connection infrastructure, are rated under the LGA. The Victoria Government Gazette notice contains a number of formulae for determining rates based on power generation capacity or output, rather than property value.

Since 2018, separate formulae for solar and wind generators have been included in the Gazette, consisting of a variable charge based on output in megawatt-hours (MWh) with solar/wind generators that are deemed “community-owned” paying a lower variable charge. In 2018, the charges were \$0.56 per MWh produced for community generators, and \$1.12 per MWh for other solar/wind generators. Both charges are indexed annually.

According to a submission by the Municipal Association of Victoria (MAV) to the Local Government Rating System Review 2020, details of some of the PiLoR arrangements indicate an inequity across business sectors in rates contributions. For example, Swan Hill Rural City Council estimates that rating power generation land in Swan Hill based on CIV would have raised approximately \$1.5 million more in revenue than the value of rates under PiLoR in 2019-20. Similarly, Towong Shire Council estimated that the difference between rating generators in the Shire of Towong based on CIV rather than PiLoR would have resulted in approximately \$700,000 in additional revenue.

Council will continue to apply the above gazetted formulae in the calculation of its annual revenue generated from wind farms. In the long term, however, Council is of the view that the existing PiLoR arrangements create inequity between the power generators that are



charged based on output or capacity and the other businesses that are levied property-value based rates, since these arrangements generally result in a lower rate bill for the former. This view concurs with the aforementioned MAV Submission as well as with two of the 56 recommendations contained in the latest Local Government Rating System Review 2020:

Recommendation 38: That in the absence of a clear policy rationale, section 94 of the *Electricity Industry Act 2000* be repealed to bring the rating of all power generation companies under the *Local Government Act 1989*.

Recommendation 39: If section 94 of the *Electricity Industry Act 2000 (EIA)* is repealed, that a transition arrangement and timeframe for electricity generators to be rated under the *Local Government Act 1989 (LGA)* be implemented. (For example, the difference in rates payable under the EIA and the LGA could be phased in evenly over three years).

5.9 COLLECTION AND ADMINISTRATION OF RATES AND CHARGES

The purpose of this section is to outline the rate payment options, processes, and the Council support provided to ratepayers facing financial hardship. Current legislation also provides for the use of waivers, rebates, concessions and deferrals.

Payment options

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. Payments are due on the prescribed dates below:

- 1st Instalment: 30 September
- 2nd Instalment: 30 November
- 3rd Instalment: 28/29 February
- 4th Instalment: 31 May

Council offers a range of payment options including:

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

Interest on arrears and overdue rates

The payment of rates and charges must be received by the due date, as shown on the annual rates notice. If an instalment is not paid on or before the due date, Council may charge interest on the overdue amount.



Interest is charged on all 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. The quantum of this interest rate shall be confirmed each year in the declaration of rates and charges and displayed on the annual rates notice.

In accordance with Council's Financial Assistance Policy, alternative payment plans are made available to ratepayers who may be experiencing genuine financial hardship in paying their rates by the due date.

Pensioner rebates

Eligible ratepayers may claim a rates rebate on their sole or principal place of residence. Upon initial application, Council conducts an online verification with Centrelink or DVA to confirm eligibility for the rebate.

Ongoing eligibility is maintained, unless rejected by Centrelink or the Department of Veteran Affairs during the annual verification procedure. Upon confirmation of an eligible pensioner concession status, the amount will be automatically deducted from the rates notice. There is no need to reapply unless the pensioner's circumstances have changed.

The eligible maximum rebate is adjusted annually by the Victorian State Government. For example, the eligible maximum rebate is \$241.00 for the 2020-21 rating year. Eligible pensioners can apply for the rebate at any time throughout the rating year. Retrospective claims up to a maximum of one previous financial year can be approved by Council on verification of eligibility criteria; for periods prior to this, claims may be approved by the relevant government department.

Deferred payments

Under Section 170 of the *Local Government Act 1989*, Council may allow partial or full deferral of rates where they consider that paying rates would create financial hardship for the applicant. Deferral of rates and charges is made available to all ratepayers who satisfy the eligibility criteria under the Council's Financial Assistance Policy, and will be granted based on the following conditions:

- That the ratepayer pays interest on the amount affected by the deferral at the interest rate applicable to Council for the rating year,
- The deferral ceases and the deferred rates and accrued interest rate are immediately payable if the ratepayer ceases to own or occupy the property on which the rates are imposed,
- The deferral ceases if Council in its discretion, revokes the deferral. In such cases, Council will notify the ratepayer in writing and request full payment of the deferred rates and accrued interest within 30 days,



- The deferral will be reviewed each year within one month of the issue of the annual rate notice,
- An increase in the valuation of a property and a subsequent increase in rates cannot be considered grounds for a deferred payment of rates.

Where Council approves an application for deferral of rates or charges, interest will continue to be levied on the outstanding balance of rates and charges, but at an interest rate fixed annually by Council. This deferred interest rate will typically be well under the penalty interest rate levied by Council on unpaid rates and charges. Under Section 170(3), Councils can require repayments of deferred amounts if they consider that payment would no longer cause hardship, or if the land changes hands.

Ratepayers seeking to apply for rates deferral on grounds of financial hardship will be required to submit a completed Application for Financial Hardship Assistance Form which is available at Council offices, Council website or can be posted upon request.

Debt recovery

In the event that an account becomes overdue, Council will issue a reminder notice requesting payment within fourteen days, and if not paid by the due date, an overdue notice will follow requesting payment within a further fourteen days.

The overdue notice will contain sufficient information regarding the original debt, any interest penalties imposed and proposed action to be taken by Council should the account remain unpaid after the due date on the notice. The ratepayer shall be given the opportunity to dispute the amount owing or make alternative arrangements for payment to be effected by the due date stated on the reminder or the overdue notice.

Those accounts which are still outstanding after the overdue notice period may be submitted to the Council's debt collection agency. The collection agency will issue a final notice requesting payment within seven days and, if not paid or if a suitable payment arrangement is not reached by the due date, a letter of demand will be issued to the debtor requesting payment within a further seven days.

If the account remains unpaid after the above recovery attempts, Council may take legal action without further notice to recover the overdue amount. All legal fees and court costs incurred as a result of the instigation of recovery will be allocated to the ratepayer's assessment and remain a charge on the property until settled.

If an amount payable by way of rates in respect to land has been in arrears for three years or more, Council may take action to sell the property in accordance with Section 181 of the *Local Government Act 1989*.

Fire Services Property Levy



In 2016, 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 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.

6 OTHER REVENUE ITEMS

6.1 USER FEES AND CHARGES

The *Local Government Act 1989* grants councils the power to set fees and charges at a level that allows for the full cost recovery of providing services unless a substantive policy or imperative warrants the use of subsidisation.

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

- Caravan Park charges
- Home Care charges
- Building charges
- Animal Registration charges
- Rental and Function charges
- Delivered Meals charges
- Swimming Pool charges
- Goldfield Recreation Reserve Venue Hire charges
- Waste Disposal charges
- Resource and Information Centre charges
- Community Transport charges
- Other charges

In determining the level of fees and charges to be applied to each service, Council must consider a range of guiding principles including value-for-money, equity, affordability, efficiency and transparency.

As part of its annual budget process, Council conducts a periodic review of fees and charges to assess the appropriate pricing and application based on factors such as:



- whether the service is a public or a private good,
- if there is any State or Commonwealth government legislation setting a statutory price for a particular service,
- if there is a Council policy on subsidising the service (setting prices below full cost) or utilising the service as a tax mechanism (setting prices above the full cost level),
- whether the price based on the full cost of the service is competitive with other suppliers, e.g. private competitors,
- whether the price based on the full cost of the service is in line with the same service delivered by other similar-sized councils (benchmarking).

In setting fees and charges, Council will generally determine the extent of cost recovery for particular services consistent with the user-pays principle, i.e. the cost of providing a direct service will be met by the fees charged.

Council has developed its user-fee pricing based on one of the following pricing methods:

- a) Market pricing - where the price of the service is determined by examining the alternative prices of surrounding service providers. The market price is set by benchmarking Council's full cost price against the competitive prices of alternate suppliers in the market. In general, the market price represents full cost recovery plus an allowance for profit. Market price is applied when there are other suppliers providing the service and Council is required to meet its obligations in accordance with the Competitive Neutrality Guidelines.
- b) Full cost recovery pricing - recovers all direct and indirect costs incurred by Council. This pricing method should be used in particular when services are provided by Council that benefit individual customers specifically rather than the community as a whole.
- c) Subsidised pricing - is where Council subsidises a service by not passing the full cost of that service onto the customer. Prices can be set from full subsidy (no charge) to partial subsidies, where Council provides the service to the user with various levels of subsidisation. Subsidised pricing should always be based on knowledge of the full cost of providing a service and an understanding of the level of the subsidy being offered. The subsidy can be funded from Council's rate revenue or other sources such as Commonwealth and State funding programs.

Council prepares a schedule of fees and charges as part of its annual budget each year. Any proposed pricing changes will be included in this schedule and communicated to stakeholders before the budget is adopted, giving them the chance to review and provide valuable feedback before the fees are finalised.

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.

Statutory fees and fines include:

- Town Planning fees
- Environmental Health fees
- Infringements and Fines
- Land Information and Building Certificate fees

Penalty and fee units are used in Victoria's Acts and Regulations to describe the amount of a fine or a fee.

Penalty units

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. Any change to the value of a penalty unit will happen on 1 July each year.

Fee units

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. This value may increase at the beginning of a financial year, at the same time as penalty units.

The cost of fees and penalties is calculated by multiplying the number of units by the current value of the fee or unit. The exact cost may be rounded up or down.

6.3 GRANTS

Grant revenue includes capital and non-capital grants allocated by the Commonwealth and State Governments to local governments. The Commonwealth Government provides funding to local government in the form of untied financial assistance grants and (tied) specific purpose grants. The financial assistance grants consist of two components:

- general purpose grants, distributed among the States on an equal per person basis, and
- identified local road grants, distributed among the States on the basis of historical shares (identified as road grants, but are untied).



The Commonwealth Government also makes specific purpose payments direct to local governments to fund local roads and infrastructure (e.g. Roads to Recovery grants), child care programs, disability and other services administered by local governments.

The State Governments provide grants to local governments for specific purposes or services. A component of State Government grants are reimbursements for rate concessions provided by local governments on behalf of State Governments. State Governments also provide contract payments to councils to carry out some State functions.

Some grants may be singular and tied to the delivery of specific projects, whilst others can be of a recurrent nature and may or may not be linked to the delivery of projects.

For most rural and small councils, where own-source revenue-raising capacity is limited, grants constitute a substantial source of council revenue. Grants make up the second largest source of revenue for Council, representing approximately 42% of our annual income. This reflects the reliance of rural and small councils on grant income, making them highly dependent on government funding to maintain operations and exposing them to the potential for higher financial risks in the long term.

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

In preparing its annual budget and financial plan, Council will assess project proposals, grant program opportunities and co-funding options to determine which grants to apply for. Any project that is reliant on grant funding will not proceed until a funding agreement is confirmed and finalised. Council will only apply for and accept external funding if it aligns with the objectives outlined in the Community Vision and Council Plan.

6.4 CONTRIBUTIONS

Contributions refer to funds received by council, which may be monetary (e.g. cash payments) or non-monetary (asset handovers). Contributions are usually received from non-government sources and are often linked to projects. The most common form of contributions are development contributions which can be payments in cash, services, works or facilities in kind.

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.

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 as per Council's Investment Policy, which seeks to earn the best return on funds whilst minimising risk.

Council will invest any surplus funds at the highest available interest rate in line with its Investment Policy. The Council will generally take a conservative approach to investment to ensure capital preservation and minimisation of interest rate risk exposure.

6.6 BORROWINGS

The Council's Borrowing Policy ensures that Council has a sound financial framework on which to:

- undertake borrowings,
- manage its loan portfolio,
- respond to funding requirements while minimising risk, and
- comply with the relevant provisions of the *Local Government Act 1989* and *Local Government Act 2020*.

Whilst not a source of income, borrowings can be an important cash management tool in appropriate circumstances. Loans can only be approved by Council resolution. The following financial sustainability principles must be adhered to with new borrowings:

- Borrowings must only be applied for where it can be proven that repayments can be met as per the Annual Budget and the Long-Term Financial Plan,
- Borrowings must not be used to fund ongoing operations,
- Borrowings are appropriate for funding large capital works where the benefits are provided to future generations.
- Council will maintain its debt at levels which are sustainable, with:
 - indebtedness <60% of rate and charges revenue, and
 - debt servicing cost <5% of total revenue (excluding capital revenue).



Borrowings do not generate revenue and will increase operating expenses through interest repayments. Therefore, Council will be aiming to achieve a modest operating surplus on average over time, so that the need for borrowings will only arise to overcome timing imbalances between expenditure outlays and revenue inflows.

Although Council has remained debt-free since September 2016, it is not advocating for zero or low levels of debt per se, but rather it is fostering the responsible use of debt that facilitates the delivery of cost-effective and intergenerationally equitable service levels.

7 COMMUNITY ENGAGEMENT

In conjunction with the Pyrenees Shire Council Community Engagement Strategy, the following Community Consultation process is proposed:

What Consultation	How it was achieved
Media	Public Notice advising ratepayers of their opportunity to provide comment on the proposed Revenue and Rating Plan within Ballarat Courier, Pyrenees Advocate, Maryborough Advocate and Stawell Times.
Mail-out	A mail-out to all addresses within the shire advising ratepayers of their opportunity to provide comment on proposed revenue and rating plan.
Social Media	Twice weekly posts on Council's Social Media channels (Facebook, Instagram and Twitter) encouraging residents to participate in the survey.

8 APPENDIX: REFERENCES

- Local Government Act 1989
- Local Government Act 2020
- Valuation of Land Act 1960
- Ministerial Guidelines for Differential Rating 2013
- Cultural and Recreational Lands Act 1963
- Penalty Interest Act 1983
- Electricity Industry Act 2000
- Building Act 1993
- Public Health and Wellbeing Act (Vic) 2008
- Department of Jobs, Precincts and Regions, Local Government Revenue and Rating Plan, Better Practice Guide 2021
- Department of Transport, Planning and Infrastructure, Local Government Revenue and Rating Strategy, Better Practice Guide 2014
- Department of Environment, Land, Water and Planning, Local Government Rating System Review 2020



- Productivity Commission, Assessing Local Government Revenue Raising Capacity, 2008

