



TITLE: Infrastructure Contributions – Separate Rate Relief Policy

REFERENCE NUMBER:	DOC/19/17518
RESPONSIBLE DEPARTMENT:	CORPORATE SERVICES
APPLICABLE LEGISLATION:	LOCAL GOVERNMENT ACT 1999
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	GOVERNANCE AND LEADERSHIP
RELATED POLICIES:	<ul style="list-style-type: none">• Separate Rate - Developer Contributions: Payment, Rebate, Postponement Policy
SUPPORTING PROCEDURES:	
PREVIOUS REVIEW DATES	July 2017
ENDORSED BY COUNCIL:	4 March 2019
MINUTE RESOLUTION NUMBER	
NEXT REVIEW DATE:	July 2022

1. PURPOSE

The purpose of this Separate Rate Relief Policy is to assist specifically (and without further decision of the Council) with the provision of infrastructure and/or community facilities wherever the Council declares a separate rate that is consistent with the objects of this Policy **and** expressly resolves that the principles of this Policy apply to that separate rate.

In particular, certain separate rates are declared to provide security for the Council, the community and developers in the provision of major critical infrastructure and facilities to accommodate the effects and impact of significant growth through developments within the Council area. This Policy seeks to ensure that this infrastructure and facilities are provided for the benefit of the community without

unfair or unreasonable financial impact on the current community or future generations and in a manner that is equitable for developers.

2. ROLES & RESPONSIBILITIES

Council:

- Endorse the Policy
- Monitor its application and formally review the Policy

Chief Executive Officer:

- Make decisions that are consistent with this Policy and within delegated authority

Manager, Revenue, Property & Records:

- To ensure that the Separate Rates are applied and administered as per the policy and the Local Government Act 1999.

3. APPLICATION

This Policy automatically applies in relation to separate rates declared by the Council on rateable land where the Council has resolved that this Policy will apply. The separate rates to which it is envisaged that this Policy will have particular applications and those that are declared for the purpose of funding or securing a development related activity that is, or is intended to be, of particular benefit to the land, or the occupiers of the land or to visitors to that part of the area. The separate rates to which this Policy applies at the date of its most recent adoption are:

3.1 :

- 3.1.1 the Transport Infrastructure MDPA Area Separate Rate;
- 3.1.2 the Wastewater (“Sewer”) Infrastructure Mount Barker MDPA Area Separate Rate;
- 3.1.3 the Wastewater (“CWMS”) Infrastructure Nairne MDPA Area Separate Rate;
- 3.1.4 the Recreation, Sport and Community Infrastructure Mount Barker MDPA Area Separate Rate;

- 3.1.5 the Recreation, Sport and Community Infrastructure Nairne MDPA Area Separate Rate; and
 - 3.1.6 the Wastewater Commitment Separate Rate;
 - 3.1.7 the Western Sector Community Open Space Land Acquisition Separate Rate;
 - 3.1.8 the Bluestone Land Indirect Infrastructure Separate Rate;
 - 3.1.9 the MDPA Wastewater Infrastructure Augmentation Separate Rate;
 - 3.1.10 the Littlehampton Indirect Infrastructure Contribution Separate Rate; and
 - 3.1.11 the Littlehampton Direct Infrastructure Contribution Separate Rate;
- (“the separate rates”).

The above list of separate rates is not and is not intended to be exhaustive and the Council may, at any time, resolve to apply this Policy to any other separate rate. Where the Council so resolves, the relevant separate rate(s) will be included in the above list from the next review of the Policy.

All separate rates are a charge on the land to which they apply.

4. SEPARATE RATE RELIEF

- 4.1 The separate rates to which this Policy applies will be as determined by the Council.
- 4.2 Upon the annual declaration of a separate rate, the corresponding separate rate declared in the immediately preceding financial year will be concurrently remitted in full.
- 4.3 The payment of all or any separate rate that applies to land where this Policy is resolved to apply is automatically postponed.
- 4.4 Subject to any express arrangement with or decision of the Council to the contrary, a separate rate will not be subject to the imposition of interest during the period of postponement under this Policy.
- 4.5 The postponement of a separate rate will be revoked and it will become payable as a result of:

- 4.5.1 *any action by a landowner which results in the creation by the Office of the Valuer General of a new valuation assessment (for rating purposes) within an existing valuation assessment except when in the reasonable view of the Council the new valuation assessment is solely the result of the creation of a balance, super or future development allotment/s; or*
 - 4.5.2 *any action by a landowner which results in the valuation assessment benefiting from capital improvements and the Council determining that as a result of those improvements it is no longer appropriate to maintain the postponement of the separate rate.*
- 4.6 A separate rate applies to any separate valuation assessment created by the Office of the Valuer General within that part of the Council area for which the rate has been declared and will be payable on only one occasion, if at all, in respect of the assessment. For the avoidance of doubt, this provision does not and is not intended to imply any benefit for or restriction upon the application of a separate rate to a new valuation assessment.
- 4.7 Where a principal ratepayer (or, as relevant, a developer) has entered into a deed or any other legally binding arrangements with the State or the Council for the purposes of making a financial or in-kind contribution to the type of infrastructure and/or facilities for which the separate rate has been declared, the relevant separate rate(s) will be fully remitted by the Council in relation to the land to which the deed applies where the Council has determined that the principal ratepayer/developer has fully complied with the obligations upon it/them under the relevant deed or other arrangements.
- 4.8 A separate rate which applies to land where the subject infrastructure of the separate rate is provided by a party other than the Council, will be referred to the Chief Executive Officer of the Council for consideration for remission of that separate rate.
- 4.9 A separate rate that is not subject to postponement or remission under this Policy will be payable in accordance with the rates notice issued by the Council or as otherwise agreed between the Council and the principal ratepayer.

5. PROCEDURE

- 5.1 This Policy will be applied by the Council without the need for application by a principal ratepayer where the Council has sufficient information to be

satisfied that the principal ratepayer is entitled to the separate rate relief under this Policy.

- 5.2 Where the Council does not have sufficient information available to it, a principal ratepayer may apply for the benefit of this Policy and in doing so must provide such information as the Council requires.
- 5.3 The Council has delegated to its Chief Executive Officer the necessary powers to make all decisions under or for the purposes of this Policy including but not limited to the application of the Policy and the postponement, remission or payment of a separate rate to which this Policy applies.
- 5.4 A principal ratepayer who is aggrieved by a determination of the Council under this Policy or by the application of this Policy may seek a review in accordance with the Council's *Review of Decisions Policy* under section 270 of the *Local Government Act 1999* – in accordance with the time limitations set out therein.

6. REVIEW

This Policy will be reviewed every three years or the frequency dictated in legislation, or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Manager Revenue Property and Records.

7. ACCESS

The Policy is available for public inspection at the Council's Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au

8. FURTHER INFORMATION

For further information on this Policy, please contact:

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