



YOUNG SHIRE COUNCIL

SUBDIVIDERS - RATING RELIEF POLICY

DATE ADOPTED: 17TH JULY 2013

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Version Control	Date Adopted by Council
Version 1.2 – Full Policy Review	15 JUNE 2011 - RES 211/2011
Version 1.2 – No Changes	17 JULY 2013 – RESOLUTION NO 267/13

1 INTRODUCTION/BACKGROUND

This policy is intended to provide guidance to Council Officers and to the community, it is designed to provide an incentive opportunity to developers (subdividers) of lands in Young Shire.

2 PURPOSE / OBJECTIVES

The objective of Young Shire Council's Subdividers – Rating Relief Policy is to ensure that Council at all times complies with NSW Local Government Act 1993, and the Valuation of Land Act 1916.

It enables Council to aggregate parcels of vacant land within the same ownership to alleviate the burden that would otherwise be caused by the application of minimum rates for each parcel, and single charges in respect to water supply service, sewerage services and waste management. Council seeks to harmonise its Policy with the provisions of the Valuation of Land Act 1916 in respect of the period of relief afforded and the triggers by which relief is removed.

Valuation of Land Act 1916 – Sect 14S

Definition of “subdivider”

In this Division, *subdivider*, in relation to a lot in a deposited plan, means:

- (a) the person who, either alone or with any other person, owned the whole of the land comprising the lots in the plan immediately before registration of the plan, or
- (b) if, immediately before registration of the plan, the land referred to in paragraph (a) comprised two or more parcels, any person who, either alone or with any other person, owned the whole of the land comprising any one or more of those parcels.

Local Government Act – Section 548(A)

Aggregation of values of certain parcels subject to rates containing base amounts

- (1) If the council is of the opinion that the levying of a minimum rate or of a rate containing a base amount:
 - (a) would apply unfairly, and
 - (b) could cause hardship to a rateable person who is rateable in respect of two or more separate parcels of land subject to the rate, it may aggregate the land values of such of the parcels as it determines and levy the rate on the aggregated land values.
- (2) Land values may be aggregated under this section for separate parcels of land only if each separate parcel is subject to:
 - (a) the same category or subcategory of the same ordinary rate, or
 - (b) the same special rate.
- (3) A council must not aggregate the land values of two or more separate parcels of land:
 - (a) if each parcel is a parcel on which a dwelling is erected or a parcel that comprises (or substantially comprises) a dwelling in a residential flat building, or
 - (b) if the parcels are a combination of parcels referred to in paragraph (a).

Section 531B of the Local Government Act 1993 allows aggregation of parcels of vacant land within the same ownership which are subject to a charge and will permit Council to raise single charges in respect of water supply services, sewerage services and waste management.

Local Government Act – Section 531 (B)
Aggregation of certain parcels subject to a charge

- (1) If the council is of the opinion that the levying of a charge:
 - (a) would apply unfairly, and
 - (b) could cause hardship to a person who is liable to the charge in respect of two or more separate parcels of land, it may treat the parcels as being a single parcel and levy the charge accordingly.
- (2) Separate parcels may be treated as being a single parcel under this section only if each separate parcel is subject to the same category or sub-category declared by the council under Part 3.
- (3) A council must not treat separate parcels as being a single parcel under this section:
 - (a) if each parcel is a parcel on which a dwelling is erected or a parcel that comprises (or substantially comprises) a dwelling in a residential flat building, or
 - (b) if the parcels are a combination of parcels referred to in paragraph (a)”

Valuation of Land Act 1916 – Sect 14T
Lots which qualify for subdivision allowance

- (1) A lot in a deposited plan qualifies for an allowance for subdivision if, as at the date by reference to which the allowance is ascertained, the lot is owned by the subdivider.
- (2) If a lot qualifies for an allowance for subdivision, the Valuer-General is to ascertain the allowance in respect of that lot in accordance with this Division.
- (3) An allowance for subdivision (including a nil allowance) is to be entered in the Register of Land Values in respect of any land value to which it relates.

Valuation of Land Act 1916 – Sect 14B
Valuations to be made as at 1 July in current valuing year

- (1) Land that is valued for the purposes of a general valuation is to be valued as at 1 July in the valuing year in which the valuation takes place.
- (2) A land value for any year commencing 1 July may be ascertained for a parcel of land even if it did not exist, as at 1 July in that year, in the form in which it exists when its value is ascertained.
- (3) If any part of the parcel was, as at 1 July in that year, included in another parcel of land for which a value as at that date has been ascertained, the Valuer-General is to re-ascertain the value of the residue of that other parcel.

Valuation of Land Act 1916 – Sect 14V

Exclusion of subdivision allowances in certain circumstances

- (2) For the purposes of the Local Government Act 1993, the land value of a parcel of land is taken not to include an allowance for subdivision in respect to any rating year:
- (a) if any building has been erected on the land, or any works have been carried out on the land, since the deposited plan was registered, or
 - (b) if, as at 30 June before beginning of that year, more than 3 years have passed since the deposited plan was registered, or
 - (c) if, as at 30 June before the beginning of that year, the parcel of land was not longer owned by the subdivider,

and rates and charges under that Act are to be assessed and levied accordingly.

3 POLICY

Council may provide an incentive to developers (subdividers) of lands in the form of rating relief under the provisions of this policy.

Such incentive shall be provided in the form of Rating Relief afforded through the provisions of the *Valuation of Land Act 1916*.

It is not the intention of Council that this relief be ongoing, but that it be offered for a maximum period of three (3) years and that the relief be subject to the provisions of Section 14V (2) (b) of the *Valuation of Land Act 1916*. Such relief may not be applied retrospectively.

An application for Rating Relief as applicable under the provisions of this policy, shall be made in writing and directed to the General Manager.

4 RESPONSIBILITY

General Manager shall be responsible for the review of this policy.

Director – Corporate Services shall be responsible to ensure that the provisions of this policy are applied in an equitable and accountable manner.

Rates Clerk shall be responsible to ensure that rating records are maintained and that all charges are raised in accordance with Councils' Rating and Revenue Policies.

5 DURATION

This policy shall be subject to review every 4 years or sooner as may be considered necessary by the General Manager.

Date Amended 15.06.11
Date Amended 17.07.13

Resolution No. 211/11
Resolution No. 267/13