

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**20 May 2014**

<b>Agenda Item 9.2</b>	<b>Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations</b>	
<b>Attachment 1</b>	<b>Draft Policy Rates Rebate for Retail Land Occupied by Charitable Organisations 16.POL3 .....</b>	<b>406</b>
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# GREATER SHEPPARTON CITY COUNCIL

Policy Number 16.POL3

## DRAFT Rates Rebates for Retail Land Occupied by Charitable Organisations

Version 1.0

Adopted Day Month Year

Last Reviewed / /

<b>Business Unit:</b>	Finance and Rates
<b>Responsible Officer:</b>	Acting Manager Finance and Rates
<b>Approved By:</b>	Chief Executive Officer
<b>Next Review:</b>	Four years from date of adoption

**PURPOSE**

To provide consideration of the application of a 50 per cent rebate for general rates and municipal charges for retail land within the municipality that is occupied by a Charitable Organisation under section 154(4)(c) of the Local Government Act 1989.

**OBJECTIVE**

To allow for a consistent and transparent approach in considering requests for rate rebates received from Charitable Organisations providing community benefit, that are operating a retail premise.

**SCOPE**

This policy applies to all requests for rates rebates for retail land within the municipality received from Charitable Organisations registered on the Australian Charities and Not for profits Commission website – [www.acnc.gov.au](http://www.acnc.gov.au)

**DEFINITIONS**

Reference term	Definition
<b><i>Not for Profit Organisation</i></b>	An incorporated or unincorporated body or association that is not carried on for the purposes of profit or gain to individual members, and is, by the terms of the constitution of the body or association, prohibited from making any distribution, whether in money, property or otherwise to its members.
<b><i>Charitable Organisation</i></b>	An organisation registered on the Australian Charities and Not for profits Commission website – <a href="http://www.acnc.gov.au">www.acnc.gov.au</a> and whose aims and objectives satisfy one of the four heads (or branches) of charity, which are: <ul style="list-style-type: none"> <li>• the relief of poverty</li> <li>• the advancement of education</li> <li>• the advancement of religion</li> <li>• other purposes beneficial to the public.</li> </ul> <p>In order to qualify under any of the above heads of charity except for the relief of poverty, it is important for the organisation to prove both that its purpose is charitable and that it is of benefit to the community as a whole or to an appreciably large section of the community. The organisation should be beneficial to the public, and the community should regard the organisation as deserving of public money and worthy of community support.</p>

<b>Retail Land</b>	Land used for the retail sale of goods.
<b>General Rates</b>	Excludes: <ul style="list-style-type: none"> <li>• service rates or service charges</li> <li>• special rates or special charges.</li> </ul>
<b>Municipal Charge</b>	Annual charge declared by Council under section 159 of the <i>Local Government Act 1989</i> to cover some of the administrative costs of the Council.
<b>Service Rate or Service Charge</b>	Service rate or an annual service charge or any combination of such a rate and charge declared by Council under section 162 of the <i>Local Government Act 1989</i> for any of the following services: <ul style="list-style-type: none"> <li>• the provision of a water supply</li> <li>• the collection and disposal of refuse</li> <li>• the provision of sewage services</li> <li>• any other prescribed service.</li> </ul>
<b>Special Rate or Special Charge</b>	Special rate, or a special charge or a combination of both declared by Council under section 163 of the <i>Local Government Act 1989</i> only for the purposes of either: <ul style="list-style-type: none"> <li>• defraying any expenses</li> <li>• repaying (with interest) any advance made to or debt incurred or loan raised by the Council</li> </ul> in relation to the performance of a function or the exercise of a power of the Council which Council considers is or will be of special benefit to the persons required to pay.

## POLICY

### 1. Policy Application

a. Charitable Organisations are able to apply to Council for a rebate of 50 per cent of the current year's general rate and municipal charge, in respect of Retail Land, where the use of the retail premises for the sale of goods contributes to the objectives of the Charitable Organisation by providing benefits to the community as a whole. The rebate will not apply to service rates and charges or special rates and charges.

b. All applications will be considered by the Director of Business against the criteria set out in this policy.

c. The rebate will commence from 1 July 2014.

## 2. Rebate Criteria

- a. To be eligible to apply for a rates rebate the applicant will need to provide confirmation of registration as a Charitable Organisation on the Australian Charities and Not for profits Commission website: [www.acnc.gov.au](http://www.acnc.gov.au)
- b. Successful applicants will need to demonstrate that the Retail Land is used for the sale of goods that contribute to the objectives of the Charitable Organisation by providing benefits to the community as a whole.

## RELATED POLICIES AND DIRECTIVES

- *Rating Strategy 2013-2017*
- *Draft CEO Directive Process for Rates Rebate for Charitable Organisations 16.CEOD2*

## RELATED LEGISLATION

- *Local Government Act 1989 sections 169(1)(a) and 169(1B)(b)*

## REVIEW

Council may review this policy at any time but unless otherwise requested at least four years from the date of adoption.

Minor amendments to the policy may be authorised by the Chief Executive Officer at any time where such changes do not alter the substance of the policy.

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Gavin Cator

Date

Chief Executive Officer

## ATTACHMENTS

1. *Draft CEO Directive Process for Rates Rebate for Charitable Organisations 16.CEOD2*

# GREATER SHEPPARTON CITY COUNCIL

CEO Directive 16.CEOD2

## DRAFT Process for Rates Rebate for Retail Land Occupied by Charitable Organisations

Version 1.0

Adopted Day Month Year

Last Reviewed Day Month Year

<b>Business Unit:</b>	Finance and Rates
<b>Responsible Officer:</b>	Manager Finance and Rates
<b>Approved By:</b>	Chief Executive Officer
<b>Next Review:</b>	

**PURPOSE**

The purpose of this CEO Directive is to outline the process required internally to assess and administer all applications from Charitable Organisations for a 50 per cent rates rebate for general rates and municipal charges for retail land within the municipality.

This CEO Directive supports Council Policy Number 16.POL3 Rates Rebates for Retail Land Occupied by Charitable Organisations.

**OBJECTIVE**

To allow for a consistent and transparent approach in considering requests for rate rebates received from Charitable Organisations providing community benefit, that are operating a retail premise.

**DEFINITIONS**

Reference term	Definition
<b><i>Not for Profit Organisation</i></b>	An incorporated or unincorporated body or association that is not carried on for the purposes of profit or gain to individual members, and is, by the terms of the constitution of the body or association, prohibited from making any distribution, whether in money, property or otherwise to its members.
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<b>Retail Land</b>	Land used for the retail sale of goods.
<b>General Rates</b>	Excludes: <ul style="list-style-type: none"> <li>• service rates or service charges</li> <li>• special rates or special charges.</li> </ul>
<b>Municipal Charge</b>	Annual charge declared by Council under section 159 of the <i>Local Government Act 1989</i> to cover some of the administrative costs of the Council.
<b>Service Rate or Service Charge</b>	Service rate or an annual service charge or any combination of such a rate and charge declared by Council under section 162 of the <i>Local Government Act 1989</i> for any of the following services: <ul style="list-style-type: none"> <li>• the provision of a water supply</li> <li>• the collection and disposal of refuse</li> <li>• the provision of sewage services</li> <li>• any other prescribed service.</li> </ul>
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## DIRECTIVE

### 1. Process for Rates Rebate for Retail Land Occupied by Charitable Organisations

- a. Council will advertise the availability of rate rebates under the Rates Rebates for Retail Land Occupied by Charitable Organisations Policy each year after the adoption of the annual budget.
- b. All applications **must** be in writing and may be lodged in person or forwarded by post to the following address by 30 September each year :

Greater Shepparton City Council  
Locked Bag 1000  
SHEPPARTON VIC 3632



- c. The application **must** contain the following information:
  - a. registered charitable name of organisation;
  - b. A.B.N. or A.C.N;
  - c. location of the retail land;
  - d. contact name;
  - e. name of authorised officer signing on behalf of organisation
  - f. signature of authorised officer;
  - g. details of all services provided and activities undertaken at the premises,
  - h. evidence that income derived from the retail sale of goods will be used to benefit the community as a whole or to an appreciably large section of the community.
- d. The application **may** contain the following information:
  - a. copies of the organisation's Statement of Purposes and Rules or Memorandum of Articles of Association;
  - b. details of any relevant information on exemptions granted by other State or Commonwealth jurisdictions;
  - c. copy of registration as a charitable organisation.
- e. To be granted a rates rebate, retail land occupied by a charitable organisation **must** meet all of the following criteria:
  - the activities conducted on the retail land must specifically meet the aims and objectives of the organisation's charitable work;
  - the retail land is staffed by volunteers, and
  - the retail outlet operates under limited trading hours.
- f. All applications will be considered by the Director Business following confirmation of registration as a Charitable Organisation on the Australian Charities and Not for Profits Commission website: [www.acnc.gov.au](http://www.acnc.gov.au).
- g. Applications **must** be lodged annually and any rebate approved will only be valid for the current financial year.
- h. Applicants **must** notify the Council within 30 days of a change in the use of the property.
- i. Council will advise the Charitable Organisation of the outcome of their application.
- j. The Charitable organisation will pay the balance of their rates and municipal charge by the due date.
- k. Council will allocate the rebate to the respective rate assessment of the applicant. The rebate will not apply to service rates and charges or special rates and charges.
- l. A report will be provided to Council on an annual basis which will include the name, property address, purpose of use of retail land and the value rates rebates provided during the financial period.

**RELATED POLICIES AND DIRECTIVES**

- 16.POL3 Rates Rebates for Retail Land Occupied by Charitable Organisations

**RELATED LEGISLATION**

- *Local Government Act 1989*

**REVIEW**

This CEO Directive will be reviewed every four years.

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Gavin Cator  
Chief Executive Officer

Date

**ATTACHMENT**

**Attachment 1: Application Form**