

	COUNCIL POLICY	
	Principal Place of Residence Council Policy	
	Policy Number	CP084
	Directorate	Organisational Services
	Owner	Ken Diehm, Chief Executive Officer
	Last Approved	26/06/2024
	Review Due	26/06/2026

1. PURPOSE

Council relies on rates and charges to fund its services and facilities for our community. This policy is to establish guidelines for deciding the Residential Owner Occupier General Rate for residential properties in accordance with *Local Government Regulation 2012* section 81 (5).

2. SCOPE

This policy applies to each ratepayer who is an owner occupier, i.e. who resides in the property they own.

3. HEAD OF POWER

Local Government Act 2009
Local Government Regulation 2012

4. DEFINITIONS

To assist in the interpretation of this Policy, the following definitions apply:

“Principal place of residence”: means:

- (a) a Single Residential Dwelling or Home Unit where:
 - (i) at least one natural person who owns the dwelling or home unit who resides and intends to reside there for at least 245 days per year; or
 - (ii) at least one natural person who is a life tenant of the dwelling or home unit who resides and intends to reside there for at least 245 days per year; or
- (b) a Single Residential Dwelling or Home Unit:
 - (i) in which the natural person owner or a life tenant predominantly lived immediately before being admitted to a nursing or convalescence institution; and
 - (ii) at which the natural person owner or the life tenant will resume living upon being discharged from the nursing or convalescence institution; and
 - (iii) that remains unoccupied throughout the period of the natural person owner’s or the life tenant’s residence at the nursing or convalescent institution.

Principal place of residence does not include a single residential dwelling or home unit that is wholly:

- (a) owned by an entity other than a natural person (e.g. a company or an incorporated association); or

- (b) owned by a person as trustee of a trust.

Note: In establishing Principal Place of Residence, Council may consider any relevant material including nominated address according to the electoral roll, or whether services such as telephone and electricity are connected to the property in the owner's name.

5. POLICY STATEMENT

5.1. Principles

The principles that will apply in the management of recording principal place of residence are as follows:

- transparency - openness in the processes involved;
- simplicity – making processes which are simple and cost effective to administer;
- consistency - by treating ratepayers with similar circumstances in the same manner;
- fiscal responsibility – ensuring Council meets its budgetary responsibilities;
- clarity - by providing meaningful information to enable ratepayers to clearly understand their responsibilities;

5.2. Philosophy

Council recognises the difficulty in determining who lives in which properties and is committed to applying the Residential Owner Occupier General Rate in line with the principles. For the Residential Owner Occupier General Rate to be applied, a completed Principal Place of Residence Declaration Form must be submitted to Council for consideration.

5.3. Evidence

The evidence Council uses to determine categorisation as an owner occupier may include (without limitation):-

- Mailing address
- Evidence of life tenancy (where applicable)
- Driver's licence
- Nominated address for electoral roll
- Centrelink
- Taxation
- Animal registration
- Information available to the public
- Water usage

5.4. Qualification

The property may not qualify:

- a. When evidence is found to indicate they are not living at the property
- b. Once a property postal address has been changed
- c. When a change of ownership occurs
- d. When more than one property is being claimed as owner-occupied
- e. When a change occurs at a property and it can be described in a non-residential general rate category

Council will accept two (2) of the following documents in verification of use as a Principal Place of Residence:

- A telephone or electricity account in the name of the owner/s or life tenant/s name addressed to the property
- Confirmation of electoral enrolment with a current date of lodgement

- Centrelink
- Current Drivers Licence showing dwelling or unit address
- Other legal documentation confirming current residency of the owner/s or life tenant/s at the dwelling or unit

5.5. Adjustment

In accordance with *Local Government Regulation 2012* section 82 (3)(c), if the Residential Owner Occupier General Rate categorisation is granted, an adjustment will be made from the date the categorisation is applied.

5.6. Requests for Review

A ratepayer dissatisfied with the decision made by Council, they may request a review not later than 30 days after the date of the decision. As part of this review the ratepayer may be asked to provide further information relating to their application. A ratepayer dissatisfied with a review decision may lodge a category objection. A ratepayer dissatisfied with the decision upon a category objection, may raise an administrative action complaint (*Local Government Act 2009* section 268) which will be actioned in accordance with Council's Complaints Management Policy.

5.7. Routine Audits

Reviews will be undertaken throughout the financial year to ensure correct alignment of properties with rating categories. The property owner will be notified of any category corrections between owner-occupier and non-owner occupier and will be given time to provide evidence before any adjustments are made.

5.8. Confidentiality and Privacy

This policy, in particular the monitoring and data collection process, will ensure adherence to the privacy and confidentiality laws. Data collected through the review process will be dealt with in accordance with Council's Code of Conduct.

6. ASSOCIATED DOCUMENTS

Principal Place of Residence Declaration Form

7. REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than two years.

Version Control

Version Number	Key Changes	Approval Authority	Approval Date	Document Number
1	New Policy	Council	15/06/2022	4551738
2	Amendment – Ordinary Meeting No. 6/23	Council	28/06/2023	4551738
3	Amendment – Ordinary Meeting No. 6/24	Council	26/06/2024	4551738