



Identification of Owner Occupied Status Policy

Corporate Services

LSP_CORP_06

Revolves: Identification for Owner Occupier Status Policy adopted 11th June 2018

Purpose

The purpose of this policy is to ensure that **Council** is consistent and fair in attributing **Differential Rating Categories** to assessments where it is necessary to determine the "Owner Occupied" status.

Scope

This policy is applicable to ratepayers of the **Council** area who need to establish "Owner Occupied" status for purposes of levying general rates.

Applicable Legislation

Local Government Act 2009 (Qld) (Act)

Local Government Regulation 2012 (Qld) (Regulation)

Policy Statement

1. In order to be identified by **Council** as "Owner Occupied" for the purpose of the **Differential Rating Categories**, the property must be the **Principal Place of Residence** of the registered owner(s).
2. In cases of joint ownership, where all owners do not reside principally on the property, a statutory declaration will be required by those who wish to declare that the property is their **Principal Place of Residence** and that they are solely responsible for the payment of the annual rates, for Owner Occupied status to be granted.
3. In order to be identified as "Owner Occupied" the ratepayer is required to submit the **Form** to **Council**. The **Form** will need to be completed, signed by the applicant and witnessed.
4. Ratepayers who reside at the property for part of the year and reside in other places (including interstate and overseas) for the remainder of the year, will need to provide a statutory declaration confirming that they reside on the property for more than 60% of each year.
5. Where the applicant ratepayer is an approved pensioner for the granting of a State Government Pensioner subsidy for a property, the subsidy application can be accepted in lieu of a **Form** for the granting of this benefit (provided it meets the criteria of Item 1).
6. The property must be single residential use only. Properties that are approved as a twin-key apartment, residence with bed and breakfast facilities, duplex, flats, combined dwelling/business or multiple use etc. cannot be granted



Identification of Owner Occupied Status Policy

Corporate Services

LSP_CORP_06

Revolves: Identification for Owner Occupier Status Policy adopted 11th June 2018

"Owner Occupied" Status. Properties where a room is commercially rented (e.g. through "Air BnB"), will not be eligible for "Owner Occupied" status.

7. Where a building permit has been approved for a granny flat on a property and that granny flat is occupied by the aged relatives of the registered owner of a property, the property will be eligible for "Owner Occupied" status provided a statutory declaration is submitted to **Council** confirming the relationship of the occupants of the granny flat to the owner(s).
8. The applicant must be the registered owner or one of the registered owners of the property. A property registered in the name of a company, trust, or association cannot be granted "Owner Occupied" status (e.g. Whitsunday Housing Association Inc.).
9. Where a **Pensioner**, for reasons of ill health or infirmity (e.g. poor health, feeble in body or health, physically weak, especially through age) resides some or all of the time in alternative accommodation such as a nursing home or similar type accommodation (where personal care is available on site and provided as required) or with family or friends, the residence may be regarded as being "Owner Occupied" if it is not occupied on a paid tenancy basis during the absence of the **Pensioner(s)**. **Council** must be satisfied that the residence is not occupied on a paid tenancy basis and that the **Pensioner(s)** is/are solely responsible for the payment of rates and charges levied in respect of the said property. The **Pensioner(s)** will be required to complete a Statutory Declaration to this effect.
10. "Owner Occupied" status will be granted only for one (1) property for a given owner/ratepayer. If a second property is owned by the ratepayer(s) such property will not be eligible for "Owner Occupied" status, even if the property is not tenanted and is not producing an income.
11. The completed **Form** must be received by **Council** no later than the due date for payment of the current rates, in order to be applicable for that rating period. Where **Forms** are received after the due date for payment, identification as "Owner Occupied" will commence with the next rating period and will not be backdated to the current or previous rating periods.
12. When a property with an existing "Owner Occupied" status ceases to be the **Principal Place of Residence** of the ratepayer (e.g. property is sold or rented, structure is demolished, property use changes) the property will lose its "Owner Occupied" status, with effect from the next rating period, and the **Differential Rating Category** will be amended accordingly.
13. Council will make best endeavours to issue a **Form** when residential properties are sold and purchased, and when notification of change of address is received or new dwellings completed. However, it will be a ratepayer's responsibility to ensure that a **Form** is obtained, completed, signed, witnessed and lodged with **Council** in a timely manner, to ensure identification as an "Owner Occupied" property.



Identification of Owner Occupied Status Policy

Corporate Services

LSP_CORP_06

Revolves: *Identification for Owner Occupier Status Policy adopted 11th June 2018*

Definitions

Council refers to the Whitsunday Regional Council.

Differential Rating Categories refers to the different categories of rates resolved by Council for rateable land in the local government area.

Form refers to the Notification of Owner Occupied Status Form.

Pensioner refers to a person who is the holder of a pensioner concession card issued by the department of the Commonwealth responsible for administering the *Social Security Act 1991* (Cwlth) or the *Veterans' Entitlements Act 1986* (Cwlth).

Principal Place of Residence refers to a single use residential property which is the location where the registered owner (ratepayer) lives, that is, resides for a period of more than 60% of the relevant financial year as evidenced through the electoral roll, taxation, pension records or other document acceptable to Council.

Related Documents

Notification of Owner Occupied Status Form

Pensioner Rates Subsidy Policy

Effective Date

1st July 2019

Review Date

30th June 2020