

**SPECIAL MEETING OF COUNCIL  
29 JUNE 2009**

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| <b>2</b>                               | <b>DECLARATION OF RATES AND CHARGES 1 JULY 2009 TO 30 JUNE 2010</b>  |
| <b>LOCATION/ADDRESS:</b>               | <b>N/A</b>   |
| <b>RESPONSIBLE EXECUTIVE DIRECTOR:</b> | <b>DAVID FILMALTER, CHIEF FINANCIAL OFFICER</b>  |
| <b>AUTHOR:</b>                         | <b>YASMIN SANFORD, ACTING RATES MANAGER</b>  |
| <b>FILE NO.:</b>                       |  |
| <b>ATTACHMENTS:</b>                    | <b>1. CULTURAL AND RECREATIONAL LANDS</b><br><b>2. OFFICE OF HOUSING RATING AGREEMENTS WAIVERS</b><br><b>3. ADVERTISEMENT – ADOPTION OF 2009/2010 BUDGET</b> |

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**1. EXECUTIVE SUMMARY**

- 1.1. In accordance with Section 158 of the Local Government Act 1989, council is required to adopt the budget by 31 August each year. A Special Council Meeting was held on 11 June 2009 for the purpose of receiving and hearing public submissions on the 2009/2010 draft budget.
- 1.2. Council resolves to declare an amount of \$77,889,780 to be raised for general rates and service charges for the period 1 July 2009 to 30 June 2010.
- 1.3. Council intends to raise the general rates by the application of a proposed uniform rate levied at 3.7135 cents on the 2008 Net Annual Value of all rateable properties within the municipality.
- 1.4. Through special rate schemes council will continue to sustain marketing and promotion activities for the support and further development of small and local business within our community.
- 1.5. Charges for waste management services remain the same as in previous years. Other services provided by council, such as the issuing of Land Information Certificates will also not incur any increase in fees.
- 1.6. Under the guidelines of the Penalty Interest Rate Act, the Attorney General has fixed the interest at 10.0% per annum. This represents a reduction of 2% from the previous year.
- 1.7. In conjunction with the State Government rebate, council will continue to offer an additional rebate to Pensioner Concession card holders. The council rebate has been increased from \$97 to \$100 for the 2009/2010 period.

- 1.8. Council intends to Issue rate notices by 31 July 2009, with the option of paying these in full by 15 February 2010 or in four instalments commencing 30 September 2009.

**2. RECOMMENDATION**

That Council resolves to:

- 2.1 Declare an amount of \$77,889,780 be raised by general rates and service charges for the period 1 July 2009 to 30 June 2010, as required by Section 158 of the Local Government Act 1989.
- 2.2 Declare a uniform general rate in the dollar of 3.7135 cents on the Net Annual Value of all rateable properties within the municipality.
- 2.3 Declare an annual garbage charge of \$260 per tenement on all non-rateable properties where the City of Port Phillip is administering the waste management.
- 2.4 Declare an annual garbage bin surcharge of \$120 where council provides a 240 litre bin for the collection of non-recyclable waste within the City of Port Phillip.
- 2.5 Confirm the previously declared special rate schemes for 2009/2010 for:

|  |           |
|--|-----------|
| Port Melbourne Activity Centre - Marketing and Promotion                           | \$150,000 |
| Fitzroy Street St. Kilda Precinct – Marketing, Management and Business Development | \$120,000 |
| South Melbourne Activity Centre – Marketing, Management and Business Development   | \$260,000 |

- 2.6 Declare the properties on Attachment 1 to be “Recreational Lands” and that the level of charges for these properties be set in accordance with percentages of the general rate also shown in Attachment 1.
- 2.7 Declare an adverse possession administration service charge of \$100 per application for information provided to support an adverse possession claim.
- 2.8 Declare an urgent land information certificate application fee of \$69.50 per application, (including GST of \$4.50).
- 2.9 Grant a rebate equivalent to half the general rate for the elderly persons flats as outlined in Attachment 2, in accordance with the agreement between council and the Ministry of Housing.
- 2.10 Treat any person(s) who has been excused the prescribed amount of the general rate for the year ending 30 June 2009 in accordance with the State Concessions Act 1986, as being similarly eligible for the 2009/2010 year, subject to the consent of the Minister for Local Government.

- 2.11 Grant a council rebate of a maximum of \$100 to those persons who satisfy eligibility requirements as in 2.1.10 above, and that the maximum of the State Government rebate and the council rebate will not exceed 50% of the rates and charges payable for the 2009/2010 financial year for the recipient's principal place of residence within the municipality.
- 2.12 Adopt the penalty interest rate in accordance with the Penalty Interest Rate Act (1983) at the prescribed rate (10.0%) as at 1 July fixed by the Governor in Council for general rates and charges that remain unpaid after the payment dates prescribed by the Governor in Council.
- 2.13 Adopt the following payment dates and due dates:

| <b>Payment Type Description</b> | <b>Payment Date</b> | <b>Due Date</b> | <b>Interest Rate (09/10 10%)</b>  |
|---------------------------------|---------------------|-----------------|-----------------------------------|
| Full payment                    | 15 Feb, 2010        | 1 July, 2009    | Prescribed Rate as at 1 July 2009 |
| 1 <sup>st</sup> Instalment      | 30 Sept, 2009       | 30 Sept, 2009   | N/A                               |
| 2 <sup>nd</sup> Instalment      | 30 Nov, 2009        | 30 Nov, 2009    | Prescribed Rate as at 1 July 2009 |
| 3 <sup>rd</sup> Instalment      | 28 Feb, 2010        | 28 Feb, 2010    | Prescribed Rate as at 1 July 2009 |
| 4 <sup>th</sup> Instalment      | 31 May, 2010        | 31 May, 2010    | Prescribed Rate as at 1 July 2009 |

- 2.14 Authorise the Rates Manager to collect all rates and charges declared.

### **3. BACKGROUND AND CONTEXT**

#### **3.1. Statutory Obligations**

- 3.1.1 The Local Government Act 1989 requires council to adopt its budget by 31 August each year, which includes the declaration of its rates and charges.
- 3.1.2 On 11 June 2009 a Special Council Meeting was held for the purpose of receiving and hearing public submissions on the 2009/2010 Draft Budget.
- 3.1.3 The declaration of the rates and charges enables council to raise its rate revenue for the 2009/2010 municipal year.
- 3.1.4 The 2009/2010 Budget was developed to align with council's agreed strategic direction as estimated in the Council Plan. Striking the rate will allow council to collect rate monies to implement the programs proposed in the Budget.
- 3.1.5 The rates and charges will be raised and notices forwarded to ratepayers after council has declared the rates.

**3.2 Social Justice**

- 3.2.1 City of Port Phillip offers a Council Rebate of up to \$100 in conjunction with the State Government Rebate to all eligible pension card holders.
- 3.2.2 Council has extended the Rate Deferment option under Section 170 of the Local Government Act to self funded retirees, as well as pensioner concession card holders.

**4. DECLARATION OF RATES AND CHARGES**

**4.1 AMOUNT INTENDED TO BE RAISED**

- 4.1.1 That an amount of \$78,489,780 be raised by General Rates, Supplementary Rates and Waste Charges, as described below:

|   |                     |
|---|---------------------|
| General Rate  | \$77,693,000        |
| Supplementary Rates   | \$600,000           |
| 240 Litre Bin Annual Service Charge – 1,473 bins @ \$120                                    | \$176,760           |
| <u>Annual Non Rateable property Waste Management Service Charge – 77 Properties @ \$260</u> | \$20,020            |
| <b>Total General Rates and Service Charges</b>  | <b>\$78,489,780</b> |

The distribution of the general and supplementary rates levied will be as follows:

|   |                   |
|---|-------------------|
| Residential rates levied                            | 59,076,496        |
| Industrial rates levied                             | 3,698,674         |
| Commercial rates levied                             | 14,917,830        |
| <b>Total General Rates Levied</b>                   | <b>77,693,000</b> |
| Supplementary Rates Estimate                        | 600,000           |
| <b>Total General and Supplementary Rates Levied</b> | <b>78,293,000</b> |

**4.2 GENERAL RATES**

- 4.2.1 That a general rate be declared for the period commencing on 1 July 2009 and concluding on 30 June 2010.
- 4.2.2 That it be further declared that the General Rate be raised by the application of a uniform rate in accordance with Section 158 of the Local Government Act 1989.

- 4.2.3 That the percentage of 0.037135 be specified as the uniform rate. Such percentage may be alternatively expressed as 3.7135 cents in the dollar.
- 4.2.4 That it be confirmed that the General Rate for all rateable land within the municipal district be determined by multiplying the Net Annual Value of each rateable land by that percentage so that the amount payable be 3.7135 cents in the dollar of the Net Annual Value.

**4.3 SPECIAL RATES**

- 4.3.1 Port Melbourne activity centre special rate (for the provision of marketing and promotion).
- 4.3.2 That a special rate as previously declared be confirmed for the period commencing 1 July 2009 and concluding 30 June 2010 to raise an annual amount of \$150,000.
- 4.3.3 That it being declared, the special rate be raised in accordance with section 163 of the Local Government Act 1989.
- 4.3.4 Fitzroy Street St Kilda Precinct Special Rate (for the provision of marketing and business development).
- 4.3.5 That a special rate as previously declared be confirmed for the period commencing 1 July 2009 and concluding 30 June 2010 to raise an annual amount of \$120,000.
- 4.3.6 That it being declared, the special rate be raised in accordance with section 163 of the Local Government Act 1989.
- 4.3.7 South Melbourne Activity Centre Special Rate (for the Provision of Marketing, Management and Business Development)
- 4.3.8 That a special rate as previously declared be confirmed for the period commencing 1 July 2009 and concluding 30 June 2010 to raise an annual amount of up to \$260,000.
- 4.3.9 That it being declared, the special rate be raised in accordance with section 163 of the Local Government Act 1989.

**4.4 GENERAL RATES SUBJECT TO CULTURAL AND RECREATIONAL LANDS ACT (1963)**

- 4.4.1 That in accordance with Section 5 of the Cultural and Recreational Lands Act 1963, the properties listed on Attachment 1 be declared "Recreational Lands" and the level of charges for these properties be set in accordance with the percentages (shown in the Attachment 1) of the general rate which would otherwise be payable.

**4.5 ANNUAL NON RATEABLE GARBAGE SERVICE CHARGE**

- 4.5.1 That an annual service charge be declared under Section 221 of the Local Government Act 1989, for the period commencing 1 July 2009 and concluding 30 June 2010.
- 4.5.2 That the annual service charge be declared for the collection and disposal (by council) of refuse within the municipal district.
- 4.5.3 That the annual service charge be in the sum of \$260.
- 4.5.4 That the criteria specified below be the criteria, which forms the basis of the annual service charge:  
"Ownership and/or occupancy of non-rateable properties within the City of Port Phillip where council collects and disposes of refuse of these properties".

**4.6 GARBAGE BIN SURCHARGE - PROVISION OF 240 LITRE BINS WITHIN THE CITY OF PORT PHILLIP**

- 4.6.1 That an annual service charge be declared under Section 162 of the local Government Act 1989, for the period commencing 1 July 2009 and concluding 30 June 2010. Where council provides a 240 litre bin for the collection of waste (non recyclable) under the following criteria.
- 4.6.2 The annual service charge be the sum of \$120 per 240 litre bin.
- 4.6.3 That the criteria specified below be the criteria which forms the basis of the service charge;  
*"That where a 240 Litre Bin (non recyclable) has been supplied the charge will be applicable; the charge is for the provision of a 240 Litre Bin by council and within the City of Port Phillip."*

**4.7 LEGAL COSTS (DEBT RECOVERY)**

- 4.7.1 Where legal costs and recovery costs have been incurred by council to recover arrears of rates and interest penalties, these costs will become a charge against the property.

**4.8 ADVERSE POSSESSION ADMINISTRATION SERVICE CHARGE**

- 4.8.1 That a service charge be declared under Section 162 of the Local Government Act 1989, for the period commencing 1 July 2009 and concluding 30 June 2010.
- 4.8.2 The service charge be in the sum of \$100.00 per application.

- 4.8.3 That the criteria specified below be the criteria, which forms the basis of the service charge:

*“That where an application has been received by council to supply information to support an adverse possession claim the charge will be applicable, the charge is for the provision of documentation that supports the adverse possession claim received”.*

**4.9 LAND INFORMATION CERTIFICATE URGENT APPLICATION SERVICE CHARGE**

- 4.9.1 That a service charge be declared under Section 162 of the Local Government Act 1989, for the period commencing 1 July 2009 and concluding 30 June 2010.

- 4.9.2 The service charge be the sum of \$69.50 per application, (including GST of \$4.50).

- 4.9.3 That the criteria specified below be the criteria which forms the basis of the service charge:

*“That where a Land Information Certificate application has been received by council to supply the certificate within 24 hours of receipt by the Rates Department the charge will be applicable. The charge is for the administration of the Land Information Certificate within 24 hours of the application being received by the Rates Department”.*

**4.10 GOVERNMENT REBATES ON MUNICIPAL RATES AND CHARGES**

- 4.10.1 That the council, apply the pensioner concession rebate as at 1 July 2009 to all beneficiaries who were eligible as at 30 June 2009 in accordance with Section 171 (4)(f) of the Local Government Act 1989.

- 4.10.2 Any person(s) not eligible to continue to receive such assistance shall notify the council within two months.

**4.11 MINISTRY OF HOUSING RATING AGREEMENTS**

- 4.11.1 That in accordance with the Rating Agreements between the Ministry of Housing and the City of Port Phillip, council grants a rebate equivalent to half the General Rate for the elderly persons flats as described on Attachment 2.

**4.12 COUNCIL PENSIONER REBATE**

- 4.12.1 That a council rebate under Section 171 of the Local Government Act 1989 be granted on all rates and charges where the beneficiary is eligible to receive a State Government Rebate for the financial year 1 July, 2009 to 30 June, 2010.

- 4.12.2 The maximum value of the council rebate will be \$100.00, the total value of the combined government and council rebates will not exceed 50% of the rates and charges payable for the financial year.