



**SPECIAL
MEETING OF
COUNCIL**

AGENDA

29 JUNE 2009

Special Meeting of Council

Welcome

Welcome to this Special Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow you to be involved in the process and work with Council towards making Port Phillip a great place to live and work.

About this meeting

There are a few things to know about tonight's meeting.

The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Only the items specified in the agenda will be considered unless all Councillors are present and unanimously agree to include another matter on tonight's agenda.

Each item has a report written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting

Public Question Time

There is no opportunity at this meeting for the public to ask questions unless the Chairperson determines otherwise.

Public Comment

Any person who has made a written submission on an item pursuant to section 223 of the Local Government Act and requested that she or he be heard in support of that written submission will be entitled to address Council. Any other public comment at this meeting is at the discretion of the Chairperson.

If you would like to address the Council on any of the items being discussed tonight, please fill in the blue 'Do You Wish to make a Public Comment' form located outside the Chamber and give to the Administrative Officer.

When your item is being discussed the Chairperson will call your name and ask you to address the Council. If somebody has already raised an issue you agree with, there is no need to repeat it.



CITY OF PORT PHILLIP

PORT PHILLIP CITY COUNCIL

SPECIAL MEETING OF COUNCIL

To Councillors

Notice is hereby given that a **Special Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 29 June 2009** commencing at **5.30pm**.

AGENDA

- 1. APOLOGIES**
- 2. DECLARATION OF CONFLICTS OF INTEREST**
- 3. PRESENTATION OF REPORTS**
 1. Adoption of the Council Plan 2009-2013 (Including the Strategic Resource Plan) and 2009/2010 Budget
 2. Declaration of Rates and Charges 1 July 2009 to 30 June 2010

24 June 2009

**SPECIAL MEETING OF COUNCIL
29 JUNE 2009**

1	ADOPTION OF THE COUNCIL PLAN 2009-2013 (INCLUDING THE STRATEGIC RESOURCE PLAN) AND 2009/2010 BUDGET
LOCATION/ADDRESS:	
EXECUTIVE DIRECTOR:	CHRIS PIKE, ACTING EXECUTIVE DIRECTOR, ORGANISATION SYSTEMS AND SUPPORT DAVID FILMALTER, CHIEF FINANCIAL OFFICER
PREPARED BY:	ROWENA MCLEAN, SENIOR CORPORATE PLANNING CONSULTANT & JENNIFER BLUNT, COORDINATOR FINANCIAL MANAGEMENT
FILE NO.:	16/02/86
ATTACHMENTS:	1. COUNCIL PLAN 2009-2013 2. STRATEGIC RESOURCE PLAN 2009/2010-2012/2013 (TO BE DISTRIBUTED SEPERATELY) 3. 2009/2010 BUDGET (TO BE DISTRIBUTED SEPERATELY) 4. SUMMARY AND RESPONSES TO PUBLIC SUBMISSIONS 5. ADVERTISEMENT - ADOPTION OF 2009/2010 BUDGET

1. EXECUTIVE SUMMARY

- 1.1. Having advertised the draft Council Plan 2009/2013 and draft 2009/2010 Budget on 11 May 2009, council received and heard submissions on these documents at a Special Council Meeting on 11 June 2009.
- 1.2. Council has made a number of amendments to both the Council Plan 2009-2013 and 2009/2010 Budget which are summarised in this report.
- 1.3. Council needs to progress the finalisation of the Council Plan 2009-2013 and 2009/2010 Budget which will include their formal adoption and a written response to those who have made submissions.
- 1.4. Council received twenty one written and verbal submissions on the draft
- 1.5. Council Plan 2009-2013 and draft 2009/2010 Budget. The submissions were generally detailed, well structured and contained a significant amount of insight that has added value to the finalisation of the Council Plan and Budget.

- 1.6. The 2009/2010 Budget does not specify all of the projects, initiatives and programs done by council.
- 1.7. Council recognises that there is a need to improve the alignment between the Council Plan and Budget and that this will be addressed when the 2010/2011 Budget is prepared and the Council Plan 2009-2013 is reviewed.

2. RECOMMENDATION

That Council resolves to:

- 2.1 Receive the report regarding the Council Plan 2009-2013 (including the Strategic Resource Plan) and having considered all the submissions received, adopt the Council Plan 2009-2013 as attached to this report.
- 2.2 Receive the report regarding the 2009/2010 Budget and having considered all the submissions received, adopt the 2009/2010 Budget as attached to this report.
- 2.2 Authorise the increase of the council sponsored pensioner rate rebate for 2009/2010, from \$97.00 to \$100.00
- 2.4 Authorise the placement of a public notice regarding the adoption of the 2009/2010 Budget.
- 2.5 Respond in writing to those that have made written submissions and advise them of the outcome of the council decision as required by Section 223 of the Local Government Act 1989.
- 2.6 Forward a copy of the Council Plan 2009-2013 (including the Strategic Resource Plan) and the 2009/2010 Budget to the Minister for Local Government.
- 2.7 Thank submitters for their detailed and thoughtful contributions to the development of the Council Plan and Budget.

3. BACKGROUND AND CONTEXT

- 3.1. Council must prepare and approve a four-year Council Plan, which includes a Strategic Resource Plan, by 30 June pursuant to the Local Government Act 1989. Pursuant to Section 125 (2) of the Act, the Council Plan must include:
 - 3.1.1. The strategic objectives of the council (i.e. what council wants to achieve).
 - 3.1.2. Strategies for achieving the objectives for at least the next four years (i.e. how council will achieve its objectives).
 - 3.1.3. Strategic indicators for monitoring the achievement of the objectives (i.e. how council will track progress).
 - 3.1.4. A Strategic Resource Plan (i.e. how council will fund its strategic intent), as specified in Section 126.

- 3.2. Council must also prepare and approve a Budget for each financial year pursuant to Section 127 of the Local Government Act 1989. The Budget must include:
 - 3.2.1. The standard statements (financial statements).
 - 3.2.2. A description of the activities and initiatives to be funded in the budget.
 - 3.2.3. A statement as to how the activities and initiatives will contribute to achieving the strategic objectives specified in the Council Plan.
 - 3.2.4. Separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity.
- 3.3. At the Council Meeting held on 11 May 2009, council adopted the draft Council Plan 2009-2013 and a draft 2009/2010 Budget and agreed to advertise it and call for submissions from the public.

4. CONSULTATION AND STAKEHOLDERS

- 4.1. Council commenced the development of the draft Council Plan in January 2009. In the interest of effective community engagement council elected to exceed the minimum statutory consultation requirement by holding an initial consultation process from 21 February to 7 March 2009. This included conversations with the community on council's proposed strategic directions. The feedback received from this initial consultation informed council in the preparation of the draft Council Plan 2009-2013 (including the Strategic Resource Plan).
- 4.2. Pursuant to Section 223 of the Act, council held a 28-day statutory consultation on the draft Council Plan 2009-2013 (including the Strategic Resource Plan) and the draft 2009/2010 Budget from Wednesday 13 May 2009 to Tuesday 9 June 2009. The process has included the following:
 - 4.2.1. Notice of the draft Council Plan 2009-2013 (including Strategic Resource Plan) and draft 2009/2010 Budget and invitation for public submissions published in *The Age* (13 May 2009), *Emerald Hill Weekly* (20 May 2009) and *Port Phillip Leader* (19 May 2009).
 - 4.2.2. Copies of the draft Council Plan 2009-2013 (including Strategic Resource Plan) and draft 2009/2010 Budget being made available at council offices and libraries.
 - 4.2.3. A summary brochure on the draft Council Plan 2009-2013 (including Strategic Resource Plan) and the draft 2009/2010 Budget. This has also been made available in large print English, Russian, Polish, Cantonese and Greek.
 - 4.2.4. Two public information and feedback sessions held on Wednesday 27 May 2009 (1pm – 7 pm) and Sunday 31 May 2009 (11 am – 4 pm). Details of these sessions were promoted by:

- General advertisements in the *Emerald Hill Weekly* and *Port Phillip Leader*.
 - Port Phillip Community e-newsletter.
 - Letters and emails providing information and inviting submissions to key interest and community groups and those individuals who participated in council's consultation process in February/March 2009.
 - Information and the opportunity to provide feedback being made available online at the City of Port Phillip website and a pilot Twitter site.
- 4.3. At the Council meeting held on Thursday 11 June 2009, council received and heard twenty one submissions (including feedback from the two public information sessions) on the draft Council Plan 2009-2013 and draft 2009/2010 Budget.
- 4.4. A summary of those submissions and council's responses is attached. (Refer Attachment 4).

5. DISCUSSION

5.1 OPTIONS

- 5.1.1 Council may adopt the Council Plan 2009-2013 (including Strategic Resource Plan) and the 2009/2010 Budget as per the draft form advertised, or make amendments it considers necessary as a result of the public submission process.

5.2 AMENDMENTS TO THE COUNCIL PLAN 2009-2013

- 5.2.1 As a result of the public submission process, council made the following amendments to the Council Plan 2009-2013:

Finalisation of 15 indicators of achievement to measure council's progress in delivering on its strategic directions.

Revision and addition of strategies and actions (changes are underlined):

STRATEGY		REVISED/NEW ACTIONS
1.2.5	Communicate clearly, on at least an annual basis, council's directions <u>and budget</u> for the coming period	Clearly communicate council's directions on the occasion of adoption of the annual Council Plan <u>and Budget</u> . <u>Improve the readability of the Council Plan and Budget</u>
2.4.1	Maximise partnerships and resource sharing in mitigating the impacts of climate change on the community	<u>Build strategic alliances and</u> actively participate in relevant forums to mitigate the impacts of climate change

2.4.2	Maximise partnerships and resource sharing in response to the impacts of climate change on the community	<u>Work with the community to develop a new advocacy structure on climate change</u>
4.4.1	Strive to ensure that major projects enhance liveability	<u>Continue to advocate against the Grand Prix being staged in Albert Park Reserve.</u> <u>Continue to advocate for the return of rail freight services to Webb Dock</u>

5.2.2 The 'Taking Action on Climate Change' strategic direction received the most comment. Submissions on the topic were of a high quality and demonstrated the expertise present within the Port Phillip community. In recognition of this council officers are working with submitters and other interested parties to form a group to advise council on climate change policy development, application and practice.

5.3 AMENDMENTS TO THE 2009/2010 BUDGET

5.3.1 The following amendments have been made to the final council budget as a result of the submissions received and additional information that has been received in the period following the release of the draft Budget on 11 May 2009:

5.3.1.1 An allocation of \$50,000 has been made for the purpose of enabling Gasworks Arts Park to develop a long term strategic plan.

5.3.1.2 An allocation of \$20,000 has been made for the purpose of enabling Gasworks Arts Park to install a semi permanent truss rigging system to reduce the need to rig temporary lighting for performances. It can also be confirmed that council will fund the cost of purchasing a new elevated work platform from the 2008/2009 budget.

5.3.1.3 An increase in the council contribution towards meals subsidies of \$9,200 as a result of the meals subsidy being increased from \$3.15 to \$3.40 per meal in line with movements in the cost of food per ABS data from June 2006 to date.

5.3.1.4 Council's Sport and Recreation strategy 2008 has a strategic focus on increasing participation of women and juniors. South Melbourne District Sports Club's proposal is to provide facilities that are fit for use by women and juniors and this is not currently the case in the existing facility. It is noted that although this facility is not council owned or operated, some 90 percent of the club's membership is derived from within the municipality. On this basis council is in a position to contribute \$100,000 towards making the facility fit for use and improving the experience of women and juniors. This funding will be contingent on the South Melbourne District Sports Club entering into a service agreement with the City of Port Phillip that will require them to demonstrate that the funding has been

applied towards the construction of improved change room facilities and to provide council with ongoing information on movement in membership among junior and women members.

5.4 ALIGNMENT OF THE COUNCIL PLAN AND BUDGET

- 5.4.1 The Council Plan and the Budget have been developed at the same time. This has included the facilitated joint public information and feedback sessions on the draft Council Plan 2009-2013 and draft 2009/2010 Budget that were held in May 2009.
- 5.4.2 The 2009/2010 Budget includes, as required by legislation, details of the activities and initiatives funded in the budget and key strategic activities including performance targets and measures.
- 5.4.3 The 2009/2010 Budget also allocates operating and capital works expenditure on a best fit basis to the strategic objectives set out in the Council Plan 2009-2013.
- 5.4.4 The 2009/2010 Budget does not specify all of the projects, initiatives and programs done by council.
- 5.4.5 Council will further improve the alignment and readability of the documents during 2009/2010. A 2009/2010 Budget at a Glance will also be issued in conjunction with the public launch of the Council Plan.

5.5 POLICY IMPLICATIONS PLAN

- 5.5.1 The Council Plan sets council's strategic direction for the next four years. This document will inform the development of council policy.

5.6 FINANCE / RESOURCE IMPLICATIONS

- 5.6.1 A proposed increase of 6.26% in the council's rates revenue will raise an estimated \$78.293 million in rates and charges. This will result in a rate in the dollar of 3.7135 cents on the Net Annual Value which represents an effective 2.9% increase on the average rates bill in 2009/2010.

5.7 LEGAL & RISK IMPLICATIONS

- 5.7.1 Section 125 of the Local Government Act 1989 requires that a council must prepare and approve a Council Plan, including a Strategic Resource Plan, within the period of 6 months after each general election or by the next 30 June, whichever is later.
- 5.7.2 Section 130 of the Local Government Act 1989 requires that by 31 August each year a council must declare what it intends to raise by general rates, municipal charge, service rates and service charges.
- 5.7.3 Once council adopts the Council Plan 2009-2013 (including the Strategic Resource Plan) and the 2009/2010 Budget, it will be in a position to comply with the legislation.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

6.1.1. The remaining implementation timelines in regards to the Council Plan 2009-2013 and 2009/2010 Budget are as follows:

29 June 2009	Adopt the Council Plan 2009-2013 (including the Strategic Resource Plan) Adopt the 2009/2010 Budget Strike the rate
30 June 2009	Provide a copy of the Council Plan 2009-2013, Strategic Resource Plan 2009/2010-2012/2013 and 2009/2010 Budget to the Minister for Local Government
6 July 2009 & 7 July 2009	Public notice of the adoption of the 2009/2010 Budget
July 2009	Advise people who made submissions of council's final decisions
July 2009	Issue of rate notices
July/August 2009	Publicly launch the Council Plan

6.2 COMMUNICATION

The following communication to the public will take place:

- 6.2.1 The public notice (see Attachment 5) will be advertised in local newspapers advising the community the council has prepared and adopted the 2009/2010 Budget
- 6.2.2 The Council Plan 2009-2013 and 2009/2010 Budget will be available in hard copy at the St Kilda Town Hall, South Melbourne Town Hall and Port Melbourne Town Hall and hard copies will be made available to the public upon request.
- 6.2.3 The Council Plan 2009-2013 and 2009/2010 Budget will be available on council's website to view, download and print.
- 6.2.4 Letters will be prepared and sent to those people who made written submissions on the draft Council Plan and draft Budget advising of council's final decision, as outlined in attachment 4 to this report.
- 6.2.5 The Council Plan 2009-2013 will be formally launched in July/August.

**SPECIAL MEETING OF COUNCIL
29 JUNE 2009**

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

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:

Payment Type Description	Payment Date	Due Date	Interest Rate (09/10 10%)
Full payment	15 Feb, 2010	1 July, 2009	Prescribed Rate as at 1 July 2009
1 st Instalment	30 Sept, 2009	30 Sept, 2009	N/A
2 nd Instalment	30 Nov, 2009	30 Nov, 2009	Prescribed Rate as at 1 July 2009
3 rd Instalment	28 Feb, 2010	28 Feb, 2010	Prescribed Rate as at 1 July 2009
4 th 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
Total General Rates and Service Charges	\$78,489,780

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
Total General Rates Levied	77,693,000
Supplementary Rates Estimate	600,000
Total General and Supplementary Rates Levied	78,293,000

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.

4.13 CONSEQUENTIAL

- 4.13.1 That the Rates Manager be authorised to levy and recover the general rate, special rates and annual service charge.
- 4.13.2 That all Rates and Revenue Staff be authorised to issue Land Information Certificates pursuant to Section 224 of the Local Government Act 1989.
- 4.13.3 That any charges, fees and fines as detailed in the 2009/2010 budget (other than a rate or charged declared under the Local Government Act 1989) be declared, fixed or imposed (as the case may be) and levied in accordance with the legislation authorising its declaration, fixing or imposition.

4.14 RATES AND CHARGES PAYMENT AND INTEREST POLICY

- 4.14.1 That under Section 167 of the Local Government Act 1989, ratepayers may pay rates and charges by lump sum by the date fixed by the Minister by notice published in the Government Gazette, or by instalments on the dates fixed by the Minister by notice published in the Government Gazette.
- 4.14.2 In accordance with Section 172 of the Local Government Act 1989, interest will be charged under the Penalty Interest Act (1983) at the prescribed rate fixed by the Governor in Council on general rates, charges and all special rates that remain unpaid after the payment dates prescribed by the Governor in Council.
- 4.14.3 Where the prescribed date falls on a weekend or a public holiday, under the provisions of the Interpretation of Legislation Act (1984), the due date will automatically become the next working day.

Payment Type Description	Payment Date	Due Date	Interest Rate (09/10 10.0%)
Full payment	15 Feb, 2010	1 July, 2009	Prescribed Rate as at 1 July 2009
1 st Instalment	30 Sept, 2009	30 Sept, 2009	N/A
2 nd Instalment	30 Nov, 2009	30 Nov, 2009	Prescribed Rate as at 1 July 2009
3 rd Instalment	28 Feb, 2010	28 Feb, 2010	Prescribed Rate as at 1 July 2010
4 th Instalment	31 May, 2010	31 May, 2010	Prescribed Rate as at 1 July 2009

Interest on Deferred Rate Applications from Pensioners

Council resolved in October 2003, to introduce a 50% rebate on interest charged for approved deferred rate applications from pensioners who are eligible for a State Government pensioner rate remission. This concession has been extended to self funded retirees over the age of 65 with effect from 1 July 2005.

When interest will apply from

Interest will be charged on outstanding rates and charges not paid by the dates as described in the dates and interest table above, except:

Payments made by post that bear an Australia Post postmark before the payment date;

Payments made by telephone or the internet, by EFTPOS, Australia Post or to the locked box facility, that have a transaction or receipt number on or before the payment date.

Interest and action to be taken on late second instalments

Outstanding second instalments will be charged interest at the maximum prescribed interest rate. However, interest will be waived on late payment of the second instalment, conditional on the payment of the third and fourth instalments being paid by the prescribed in full payment date, i.e.: currently 15 February, 2010.

Interest on Supplementary Valuations

Where there has been an increase in the rate, payment can be made interest free within two months of the supplementary valuation date or the prescribed date for full payment date, whichever is the latter.

Where a supplementary valuation and rate notice is issued one month prior to the prescribed full payment date (currently 15 February, 2010), interest will be waived if necessary, if half the outstanding rates are paid within two months and the balance by the remaining instalment payment dates.

4.15 EFFECTIVE DATE OF DECLARATION

4.15.1 This declaration will become effective from July 1, 2009.

4.16 DETERMINATION OF ANNUAL DUE DATE FOR RATES AND CHARGES

4.16.1 The due date for the Rates and Charges be set at 1 July, 2009, and is deemed to be the date on which any rates or charges are declared under the provisions of the Local Government Act 1989.

5. CONCLUSION

5.1. To enable council to raise the rate revenue outlined in its budget, it is required to declare the rates and charges detailed in this report.