



Proposed Declaration of Special Rate and Charge Scheme for the Fitzroy Street and Environs Business Precinct 2019 – 2024

1. Port Phillip City Council (**Council**) proposes to declare a Special Rate and Charge Combined Scheme (**Special Rate and Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989 (Act)* for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Fitzroy Street Business Association Inc. (**Traders' Association**), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of marketing, promotional, advertising, management and business development expenses as approved by Council and agreed to from time to time between Council and the Traders' Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Fitzroy Street and Environs Business Precinct (**Business Precinct**).
2. The criteria which form the basis of the proposed declaration of the Special Rate and Charge are the ownership and the net annual value (NAV) of rateable land used, or reasonably capable of being used, for commercial, retail, entertainment or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this proposed declaration are included, and further, the classification of those properties as receiving a 'primary', 'secondary', 'tertiary' or 'quaternary' special benefit based on the nature and characteristics of the properties and businesses included in each of the four benefit areas.
3. In proposing the declaration of the Special Rate and Charge, Council is performing functions and exercising powers in relation to the peace, leadership and good governance of the municipal district of the City of Port Phillip, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which it is proposed the Special Rate and Charge will be declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the proposed Special Rate and Charge is to be declared) and also the total amount of the Special Rate and Charge to be levied by Council is referable to an amount of \$216,700, which amount it is proposed will be levied in each year of the Scheme and which in total will raise an amount of \$1,083,500 over the five year period of the Scheme.
5. The period for which the proposed Special Rate and Charge is to be declared and is to remain in force is a period of five years commencing on 1 July 2019 and ending on 30 June 2024.
6. The area for which the proposed Special Rate and Charge is to be declared is the area containing all of the land included in and referred to as the 'Fitzroy Street and Environs Business Precinct' being the area of land which includes all of the properties as they are set out in paragraph 9 of this proposed declaration.
7. The land in relation to which the proposed Special Rate and Charge is to be declared is all of the land being the land which includes all of the properties as they are set out in paragraph 9 of this proposed declaration.

8. The proposed Special Rate and Charge will be declared and assessed in accordance with the amounts which are calculated by reference to the matters set out in paragraph 9 of this proposed declaration, further details of which will be advised to each affected ratepayer.
9. The Special Rate and Charge will be assessed and levied on the following basis –

Primary Benefit Area

Properties included in the Scheme that are located in the 'primary' benefit area will be levied a Special Rate based on the net annual value (NAV) of each property multiplied by an amount of 0.01112. The levy applied to the 'primary' benefit area will be between a maximum charge of \$3210 and a minimum charge of \$865 in each year. The following properties (excluding ATM's) are included in the 'primary' benefit area:

- Ground or basement level properties with a street frontage on Fitzroy Street or the Esplanade
- Properties with a Fitzroy Street address facing Canterbury Road

Secondary Benefit Area

Properties included in the Scheme that are located in the 'secondary' benefit area will be levied a Special Rate based on the net annual value (NAV) of each property multiplied by an amount of 0.00869. The levy applied for the 'secondary' benefit area will be between a maximum charge of \$2670 and a minimum charge of \$680 in each year. The following properties are included in the 'secondary' benefit area:

- Ground level properties with a Fitzroy Street address that do not face or front onto Fitzroy Street
- Ground level properties with an Acland Street address
- Ground level properties with a Grey Street address
- 1 George Lane
- 1 St Kilda Road

Tertiary Benefit Area

Properties included in the Scheme that are located in the 'tertiary' benefit area will be levied a Special Rate and Charge based on the net annual value (NAV) of each property multiplied by an amount of 0.00642. The levy applied for the 'tertiary' benefit area will be between a maximum charge of \$2140 and a minimum charge of \$515 in each year. The following properties are included in the 'tertiary' benefit area:

- Above ground level properties with a Fitzroy Street address.

Quaternary Benefit Area

Properties included in the Scheme that are located in the 'quaternary' benefit area will be levied a Special Rate based on the net annual value (NAV) of each property multiplied by an amount of 0.00482. The levy applied for the 'quaternary' benefit area will be between a maximum charge of \$1600 and a minimum charge of \$445 in each year. The following properties are included in the 'quaternary' benefit area:

- Above ground level properties that do not have a Fitzroy Street address
- Automatic teller machines (not associated with a property used as a financial institution)
- Above ground commercial signage excluding business identification signage

10. The proposed Special Rate and Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid in the following manner –
 - (a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - (b) by four instalments, to be paid by the dates which are fixed by Council in the notice.
11. Council considers that there will be a special benefit to the persons required to pay the Special Rate and Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Rate and Charge, and directly and indirectly as a result of the expenditure proposed by the Special Rate and Charge, the viability of the Business Precinct as a business, commercial, entertainment and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Rate and Charge Scheme area will be enhanced through increased economic activity.
12. For the purposes of having determined the total amount of the Special Rate and Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate and Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the proceeds of the Special Rate and Charge are marketing, promotion, management, advertising and business development related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used for retail, commercial, professional or entertainment purposes.