

NOTICE OF INTENTION TO DECLARE A SPECIAL RATE AND CHARGE SCHEME FOR THE FITZROY STREET AND ENVIRONS BUSINESS PRECINCT 2019 - 2024



In accordance with a resolution of the Port Phillip City Council (**Council**) made at its ordinary meeting held 17 October 2018, notice is given that at the first ordinary meeting of the Council to be held in April 2019 (further details of which may be accessed by visiting Council's website www.portphillip.vic.gov.au on or shortly after 1 January 2019, when details of the dates which have been resolved upon by Council for the holding of its ordinary meetings for 2019 will have become publicly available), is the intention of the Council to declare a Special Rate and Charge Scheme (**Special Rate or Scheme**) under section 163(1) of the *Local Government Act 1989 (Act)*. The Special Rate will be declared for the purposes of defraying expenses to be incurred by Council in, administratively only and subject always to the approval, direction and control of the Council, providing funds to the incorporated body known and operating as the Fitzroy Street Business Association (**Traders' Association**), which funds are to be used for the purposes of promotional, advertising, marketing and business development expenses, 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**).

The Special Rate will be based on geographic criteria, having regard to the location and the net annual value (NAV) of those ratable properties in the Business Precinct that are used, or reasonably capable of being used, for commercial, retail, entertainment or professional purposes and further, the classification of those properties as receiving a 'primary', 'secondary', 'tertiary' or 'quaternary' special benefit based upon the nature and characteristics of the properties and businesses included in each of the four benefit areas.

The Council considers that each ratable property and each business included in the Scheme area that is liable or required to pay the Special Rate will receive a special benefit because the viability of the Business Precinct as a commercial, retail, entertainment and professional area will be enhanced through increased economic activity.

In 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 in and around the area for which it is proposed the Special Rate will be declared, the Council intends to levy and spend a maximum amount of \$216,700 in each year of the Scheme, raising a total of \$1,083,500 over the five year period of the Scheme.

The Special Rate is to be declared, and will remain in force, for the period commencing on 1 July 2019 and ending on 30 June 2024.

Properties that are used, or reasonably capable of being used, for commercial, retail, entertainment or professional purposes and fall into the below address ranges are included Scheme:

- 2 – 6 Acland Street (inclusive)
- 11 and 12 the Esplanade
- 1 – 203 Fitzroy Street (inclusive) and 8 – 64 Fitzroy Street (inclusive)
- 9 – 19 Grey Street (inclusive) and 4 – 24 Grey Street (inclusive)
- 1 George Lane; and
- 1 St Kilda Road

For the period of the Scheme, the Special Rate will be assessed as follows:

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

The Special Rate will be levied by the Council sending a notice of levy annually to the persons who are liable to pay the Scheme levy, which will require that the Special Rate levy must be paid in the following manner -

- 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 the issue of the notice; or
- by four installments, to be paid by the dates which are fixed by Council in the notice.

For the purposes of having determined the total amount of the Special Rate to be levied under the Scheme, the Council 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 or required to pay the Special Rate is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of the Council, all of the services and activities to be provided from the proceeds of the expenditure of the Special Rate are marketing, promotion and advertising 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, entertainment, commercial or professional purposes.

Copies of the proposed declaration of the Special Rate and Charge and a plan of the Scheme area are available for inspection at the Port Phillip Council Offices, cnr Carlisle Street and Brighton Road, St Kilda 3182 during normal business hours for a period of at least 30 days after the date of publication of this notice.

Any person may make a written submission to the Council under sections 163A and 223 of the Act.

In addition, any person who will be required to pay the Special Rate to be imposed by the proposed declaration, whether an owner or an occupier of a property included in the Scheme, has a right to object to the proposed declaration and may also make a written objection to the Council under section 163B of the Act. An occupier is entitled to exercise the right of objection if they submit documentary evidence with the objection which shows that it is a condition of the lease under which the person is an occupier that the occupier is to pay the Special Rate.

Written submissions to be submitted to the Council under section 223 of the Act and/or written objections to be lodged with the Council under section 163B of the Act must be received by the Council by **5pm on Thursday 22 November 2018**. Submissions and/or objections must be in writing and addressed and sent by mail to David Power, Economic Development, City of Port Phillip, Private Bag 3, St Kilda, Victoria, Australia 3182.

Any person who has made a written submission under section 223 and 163B of the Act and has requested to be heard in support of their written submission is entitled to appear in person or to be represented by a person specified in the submission before a Committee appointed by the Council to hear submissions under section 223 of the Act, the day, time and place of which will be advised in writing.

Any person making a written submission under section 223 of the Act is advised that the Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the Act. All submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*.

Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Any person requiring further information concerning the proposed declaration of the Special Rate and Charge should in the first instance contact David Power, Coordinator, Economic Development on 9209 6636 or email fitzroystreetrenewal@portphillip.vic.gov.au.

**PETER SMITH
CHIEF EXECUTIVE OFFICER**