

## NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE SCHEME FOR HURSTBRIDGE VILLAGE

In accordance with a resolution of the Nillumbik Shire Council (Council) made at its Ordinary meeting held on **22 March 2016**, notice is given that at Council Ordinary meeting to be held on **21 June 2016**, it is the intention of the Council to declare a Special Charge Scheme (*Special Charge*) under Section 163(1) of the *Local Government Act 1989 (Act)* for the purposes of defraying expenses to be incurred by the 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 Hurstbridge Traders Association (*Association*) to be used for the purposes of funding a precinct coordinator, promotional, advertising, marketing, business development and other incidental expenses to be approved by the Council and agreed to from time to time between the Council and the Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Hurstbridge Village commercial business precinct (*Precinct*).

The Special Charge will be based on geographic criteria, having regard to the location of those rateable properties within the Precinct that are used, or reasonably capable of being used, for commercial, retail or professional purposes.

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

In performing functions and exercising powers in relation to activities associated with the encouragement of commerce and retail activity in and around the area for which it is proposed the Special Charge will be declared, the Council intends to levy and spend an amount of \$27,720 for the first year of the Scheme; raising in total an amount of \$138,600 over the five year period of the Scheme.

The Special Charge is to be declared, and will remain in force for the period commencing on **1 July 2016** and ending on **30 June 2021**.

The following land is specified as the land to be covered by the Special Charge Scheme: properties located in the core retail and commercial business precinct, between 784 – 1022 (inclusive) and 783 – 1023 (inclusive) Heidelberg–Kingslake Road, 2 – 4 Parker Road and 36 Greysarps Road, Hurstbridge.

For the period of the Special Charge Scheme, the Special Charge will be assessed based on the ownership of rateable land used or zoned for commercial, retail or professional purposes located within the Precinct. The Special Charge is calculated at a flat annual rate of \$420 per property.

The Special Charge will be levied by the Council sending a notice of levy quarterly to the persons who are liable to pay the Special Charge, which will require that the Special Charge must be paid by four instalments by the due date fixed by Council in the notice.

Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge. There will be no incentives given for payment of the Special Charge before the due dates for payment.

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, 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 to pay the Special Charge 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 Charge 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, commercial or professional purposes.

Copies of the proposed declaration of the Special Charge and a detailed plan of the Scheme area (including a list of all properties included in the Scheme) are available for inspection during normal office hours at the Council offices in Greensborough for a period of at least 28 days after the date of the publication of this notice, being until Monday, **25 April 2016**.

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 Charge 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 Charge.

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 Council by 5PM on Friday, **29 April 2016**. Submissions and/or objections must be in writing and addressed and sent by mail to the Chief Executive Officer, Nillumbik Shire Council, PO Box 476, Greensborough 3088.

Any person who has made a written submission under section 223 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, meeting to be held on **7 June 2016**, 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. Accordingly, all submissions and personal information in submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*.

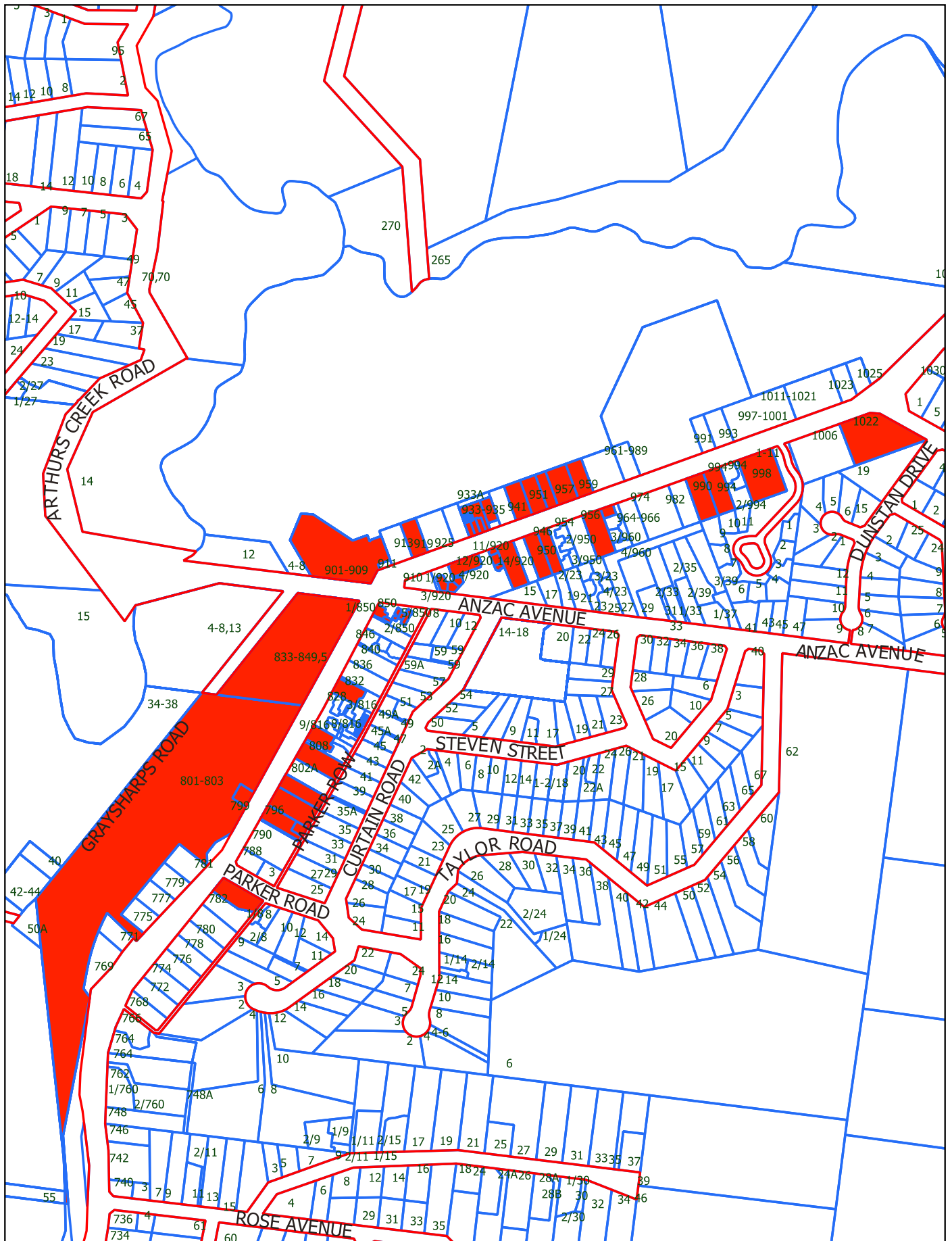
Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact Council's Strategic and Economic Planning Unit on 9433 3111 or email [darko.popovski@nillumbik.vic.gov.au](mailto:darko.popovski@nillumbik.vic.gov.au) .

STUART BURDACK

CHIEF EXECUTIVE OFFICER

NILLUMBIK SHIRE COUNCIL



- Special Rate
- Property Boundary
- Road Boundary

**Hurstbridge Village  
Special Rate Renewal**

**NSCIT-11164**



Dr. Michael Landy

B. D. Sc. (Melb.), L. D. S.

Dental Surgeon

Main Road  
Hurstbridge, 3099

NILLUMBIK SHIRE COUNCIL  
Info \_\_\_\_\_  
Date Rec'd: 02 MAY 2016  
File No. \_\_\_\_\_  
File X Ref \_\_\_\_\_  
Doc ID \_\_\_\_\_



Mr. Stuart Burdack  
Chief Executive Officer  
Nillumbik Shire Council

28<sup>th</sup> April 2016

Dear Mr. Burdack.

I write in reference to the proposed Special Charge Scheme for Hurstbridge Village and wish to lodge an objection to inclusion of our property in this scheme.

The scheme that has operated for years has never delivered any benefit of any kind to our Dental Clinic and our business is not enhanced in any way by advertising, passing trade or association with the Traders' Association.

We are already double-rated for our single business premises and the imposition of this extra levy for activities that have nothing to do with the nature of our business is unfair.

We ask you to direct that we be exempted from this scheme and this levy not be applied to our property

Yours faithfully

Michael Landy

Heather Landy

MICHAEL + HEATHER LANDY