

Diamond Creek Special Rate Scheme Renewal

Summary of Submissions

Attachment 1 – Future Nillumbik Committee Meeting 13 June 2017

Name	Comments	Hearing
Andrew Cooper	Support	
Kathleen Coulthard	Support	
Barry Henwood	Support	Wish to be heard
Ian Robertson	Support	
Gill Di Pasquale	Support	
Kevin Turley	Support	
Melissa Gardner	Support	
Karam Karam	Support	
Peter Koiker	Support	
Sue Constance	Support	
Claire Nolle	Support	
Howard and Wendy Brentnall	Support	
Andrew Gillard	Support	

Norm Hastings, Brock Hastings, Paige O'Connor, Frank Benton, Chris Lodi	Property owners - As a landlord, liable for paying the special rate, I object to the proposed declaration under Section 163B(4) of the Local Government Act.	Wish to be heard
Marlo Muse	Property owner - same as above.	
David Schultz	Property owner - same as above.	
Steve Plischa	Property owner - same as above.	
Fury Bortolotto	Property owner - same as above.	
Fury Bortolotto	Property owner - same as above.	
Greg Carns	Property owner - same as above.	
Rick Difuccio	Property owner - same as above.	
Tania Carns	Property owner - As a landlord, liable for paying the special rate, I object to the proposed declaration under Section 163B(4) of the Local Government Act.	Wish to be heard
Chris and Freda Dimtsis	Property owner - Received submission from the business owner Liam Bell as well.	

Aneta Michalowski	Tenant - As a tenant, liable for paying the special rate, I object to the proposed declaration under Section 163B(4) of the Local Government Act.	
Quing Liu	Tenant - same as above.	
Ouyang Hung	Tenant - same as above.	
Rowan Kim Fa Tsam	Tenant - same as above.	
Lynn White	Tenant - same as above.	
Millicent Yeh	Tenant - same as above.	
Xenia Ruan	Tenant - same as above.	
Michael Kim	Tenant - same as above.	
Bozica Pavlovic	Tenant - same as above.	
Ash Kumar	Tenant - As a tenant, our landlord (managed by Fitzroys) passes on the fees to our business, we are liable for paying the special rate, I object to the proposed	
Chris Irwin	Tenant - same as above.	
Chris Irwin	Tenant - same as above.	

Name	Comments	Hearing
Phylis Ying	Tenant - same as above.	
Dr Sandeep Arora	Tenant - As the person liable for paying the special rate, I object to the proposed declaration under Section 163B (4) of the Local Government Act 1989. In particular, I object to: 1) The Special Rate Scheme area and properties that it	
Vito Granieri	Tenant - same as above.	
Bin Liu	Tenant - same as above.	
Ian Pike	Tenant - same as above.	
Craig Anstey and Bill Lawrence	Tenant - same as above.	
Pamela Tsombanopoulos	Tenant - same as above.	
Sarah King	Tenant - same as above.	
Aimee Sykes	Tenant - same as above.	
Lee and Vi Tran	Tenant - same as above.	
Antony Gross	Tenant - same as above.	
George and Olga Bozinis	Tenant - same as above.	
Tony Iaria	Tenant - same as above.	
Jo Fitzmaurice	Tenant - same as above.	
Dale Synon	Tenant - same as above.	
Alesha Hall	Tenant - same as above.	
Andy Morris	Tenant - same as above.	
Maxine Ruzicka	Tenant - same as above.	
Peter and Kristie Murphy	Tenant - same as above.	
Li Hua Liu	Tenant - same as above.	
Allan Kafrouni	Tenant - same as above.	
Renée Forbes	Tenant - same as above.	
Brad Sampson	Tenant - same as above.	
Helen Moore	Tenant - same as above.	
Zoe Cheng	Tenant - same as above.	
Luke and Matt Ella	Tenant - same as above.	
Dr Lisa Ronalds and Dr John Mackay	Tenant - same as above.	
Sheng Huang	Tenant - same as above.	
Poin Siri Robertson	Tenant - same as above.	
Emily McDowell	Tenant - same as above.	
George and Gina Hallal	Tenant - same as above.	
John Griffiths	Tenant - same as above.	
Len Tucker	Tenant - same as above.	
David and Kate Robinson	Tenant - same as above.	
Manjinder Singh	Tenant - same as above.	
Malcom Standish	Tenant - same as above.	
Dr Raymond Khong	Tenant - same as above.	
Engene Ooi	Tenant - same as above.	
Linda Petrovski	Tenant - same as above.	
Frank Cui	Tenant - same as above.	
Rudi Leibel	Tenant - same as above.	
Marcus Whelan and John Brenner	Tenant - same as above.	
Jim Damatopoulos	Tenant - same as above.	
Claire Emiliee Wood	Tenant - same as above.	

Name	Comments	Hearing
Dr Anthony F C Rogers	Tenant - same as above.	
Jess Lont and Shane Taylor	Tenant - same as above.	
Ron Haffner	Tenant - same as above.	
Mick Hermann	Tenant - same as above.	
Russell Hayes	Tenant - same as above.	
Carolyn Tsioulos	Tenant - same as above.	Wish to be heard

DRAFT NOTICE OF INTENTION TO DECLARE A SPECIAL RATE SCHEME FOR DIAMOND CREEK

In accordance with a resolution of the Nillumbik Shire Council (Council) made at its Ordinary meeting held on 2 May 2017, notice is given that at Council Ordinary meeting to be held on 27 June 2017, it is the intention of the Council to declare a Special Rate Scheme (Special Rate) 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 Diamond Creek Traders Association (Association) to be used for the purposes of funding a precinct marketing 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 Diamond Creek commercial/ business area (Precinct).

The Special Rate will be based on geographic criteria, having regard to the location and the Capital Improved Value (CIV) 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 Rate 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 Rate will be declared, the Council intends to levy and spend an amount of \$140,000 for the first year of the Scheme with 1.5% annual increase thereafter; raising in total an amount of \$721,318 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 2017 and ending on 30 June 2022.

The following land is specified as the land to be covered by the Special Rate Scheme: properties located in the core retail, industrial and commercial business precinct comprising all properties covered by the current Scheme including Main Road (Ashton Manor), Main Street, Chute Street, George Street, Elizabeth Street, Station Street, both sides of Main Hurstbridge Road until corner of Wensley Street, Collins Street and Main Hurstbridge Road heading north until the intersection of Main Hurstbridge Road and Phipps Crescent in Diamond Creek.

For the period of the Special Rate Scheme, the Special Rate will be assessed based on the ownership of rateable land used or zoned for commercial, industrial, retail or professional purposes located within the Precinct. The Special Rate is calculated by reference to the Capital Improved Value (CIV) of each property included in the Scheme, in a similar manner to the calculation of the general rate.

The Special Rate will be levied by the Council sending a notice of levy quarterly to the persons who are liable to pay the Special Rate, which will require that the Special Rate must be paid by four instalments by the due date 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, 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 benefit** to all of the persons who are liable 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, commercial, industrial or professional purposes.

Copies of the **proposed declaration** of the Special Rate and a detailed plan of the Scheme area (including a list of all properties included in the Scheme, with the estimated amounts payable by each property based on the 2016 CIV valuation) 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 Council meeting and publication of this notice, being until Wednesday, 31 May 2017.

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 Council by 5PM on Wednesday, **31 May 2017**. 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 the Nillumbik Future Committee appointed by the Council to hear submissions under section 223 of the Act, meeting to be held on **13 June 2017**, 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 Rate should in the first instance contact Council's Economic Development and Tourism officers on 9433 3111 or email darko.popovski@nillumbik.vic.gov.au

MARK STOERMER
CHIEF EXECUTIVE OFFICER
NILLUMBIK SHIRE COUNCIL

Enquiries: Darko Popovski
Telephone: 9433 3315
Reference: 15/70/029

4 May 2017

«Owners_Nameaddress_Slab_1»
«Owners_Nameaddress_Slab_2»
«Owners_Nameaddress_Slab_3»
«Owners_Nameaddress_Slab_4»
«Owners_Nameaddress_Slab_5»

Dear Owner/ Occupier

RE: DIAMOND CREEK SHOPPING PRECINCT SPECIAL RATE RENEWAL

The Diamond Creek Traders Association has requested Council to renew the Diamond Creek Special Rate scheme for a further five years, commencing 1 July 2017.

The proposal involves a proportional rate levied on properties included in the Special Rate scheme area and it will enable the implementation of an ongoing program of marketing, major events, business development, business communication, networking, advocacy, coordination and management.

The expenditure of the Special Rate proceeds is intended to build on the successes over the years. The Association has highlighted the following initiatives that will be pursued with the funds:

- Advocacy for improved transport and infrastructure
- Building Social Capital – Public Art
- Ongoing special promotions and events to lift the image and profile of the precinct
- Cross-marketing opportunities with like businesses
- Regular newsletters, advertising and business development activities
- Continuation of the dedicated marketing coordinator for the precinct.

The proposal has been canvassed with business operators throughout the precinct, and the Association has advised Council that there is sufficient support for it.

At its ordinary meeting on **2 May 2017**, Council gave notice of its intention to declare a Special Rate for Diamond Creek. A copy of the public notice of intention relating to the Special Rate is attached. The main points of the rate proposal are:

- It is for marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in Diamond Creek.
- The proposal involves a proportional rate levied on properties included in the Special Rate scheme area. This would raise an amount of \$140,000 in the first year of the scheme, with 1.5% annual increase thereafter, raising in total an amount of approximately \$721,000 over the five year period of the scheme.

The contribution for the property detailed below has been calculated as follows:

Property	«Property_Address_Slab_1»
	«Property_Address_Slab_2»
CIV	«Rateable_Value»
Special Rate	«Special_Rate»

The properties included in the scheme and the amounts of the Special Rate payable by the ratepayers will be subject to general and supplementary valuations on the same cycles and in the same manner as the Nillumbik Shire Council general municipal rates and charges.

The above estimate is based on the current Capital Improved Value of each property based on 2016 valuations. These amounts will change in 2018 when the next valuations are completed.

If the proposed Special Rate is introduced, it is intended that Council will provide the rate proceeds to the Diamond Creek Traders Association for expenditure on marketing, management and business development of the precinct subject to an agreement being entered into with Council.

Prior to that, the Association will be required to prepare a business and marketing plan and develop an annual budget for the precinct outlining how the Special Rate proceeds will be spent. A copy of the plan, calendar of annual marketing activities and budget would be provided to Council for approval.

A person (being a property owner or occupier) liable or required to pay the Special Rate may make a written submission or objection to Council, see enclosed notice.

Submissions and objections should be lodged with Council by the close of business on Wednesday **31 May 2017**, and be addressed to the Chief Executive Officer, Nillumbik Shire Council, PO Box 476, Greensborough 3088.

Council will consider submissions and objections in accordance with Sections 163A, 163B and 223 of the *Local Government Act* 1989 and hear persons who wish to be heard in support of their submission or objection.

Please indicate if you would like to present at the Council meeting by completing the online form on Council website <http://www.nillumbik.vic.gov.au/Council/Council-meetings-dates-and-forms> or by phone on 9433 3271.

Should you have any further queries about the proposed Special Rate, please contact me on 9433 3315 or via email darko.popovski@nillumbik.vic.gov.au.

Yours sincerely



Darko Popovski
Business Development and Tourism Coordinator

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