



**DIAMOND CREEK TRADERS ASSOCIATION**

PO Box 234  
DIAMOND CREEK VIC 3089  
M: 0439 696 715

E: [secretary@diamondcreekshopping.com.au](mailto:secretary@diamondcreekshopping.com.au)

30<sup>th</sup> November, 2017

Mr M Stoemer  
CEO  
Nillumbik Shire Council  
Civic Circuit  
Greensborough 3088  
E: [Mark.Stoerner@nillumbik.vic.gov.au](mailto:Mark.Stoerner@nillumbik.vic.gov.au)

Dear Mark,

Further to the Diamond Creek Traders Association Special General Meeting held on July 26<sup>th</sup>, 2017 and our subsequent letter dated 22<sup>nd</sup> August, 2017 addressed to Darko Popovoski confirming the Association members decision, the Diamond Creek Traders Association requests that Nillumbik Shire Council commence the statutory process for the renewal of the Diamond Creek Special Rates Scheme. We believe we have the majority of support from the traders in favour of the scheme.

We would like to keep the boundaries the same to apply to businesses trading from properties located in the core retail and business precinct including Main Road, Collins Street, Inglis Street, Chute Street, Elizabeth Street, Station Street, Main Hurstbridge Road and George Street.

The rate to be collected is as follows:

- A fixed rate of \$120K per annum
- For a period of 5 years ending 30<sup>th</sup> June, 2022
- No discounting to any business, ie all traders pay the full rate

At the Diamond Creek Traders Association meeting on 30<sup>th</sup> November, the committee noted that Nillumbik Shire Council is considering a differential rate system and our committee spoke of this concept and all agreed to this proposal in principal

If you have any queries please call me on 0438 800 002 or email [claire@osteologic.com.au](mailto:claire@osteologic.com.au).

Regards

Claire Nolle  
President

cc. Darko Popvoski, Cr Peter Perkins, H Crundwell

Assessment	Address	Ratetype	Rating Period	Rateable Type	\$120,000
12749	1-11 Chute Street	17	2017/2018	CIV	\$970
12750	8 Chute Street	17	2017/2018	CIV	\$353
12751	77 Main Street	17	2017/2018	CIV	\$402
12752	6 Chute Street	17	2017/2018	CIV	\$265
12753	4/12 Chute Street	17	2017/2018	CIV	\$392
12754	3/14 Chute Street	17	2017/2018	CIV	\$451
12755	2/16 Chute Street	17	2017/2018	CIV	\$451
12756	1/18 Chute Street	17	2017/2018	CIV	\$451
12757	15-17 Chute Street	17	2017/2018	CIV	\$676
12758	19 Chute Street	17	2017/2018	CIV	\$382
12759	1/20-24 Chute Street	17	2017/2018	CIV	\$402
12760	2/20-24 Chute Street	17	2017/2018	CIV	\$402
12761	3/20-24 Chute Street	17	2017/2018	CIV	\$402
12762	4/20-24 Chute Street	17	2017/2018	CIV	\$402
12763	21 Chute Street	17	2017/2018	CIV	\$421
12767	29-35 Chute Street	17	2017/2018	CIV	\$1,323
12768	32 Chute Street	17	2017/2018	CIV	\$500
12772	38-40 Chute Street	17	2017/2018	CIV	\$304
12773	42 Chute Street	17	2017/2018	CIV	\$421
12774	39 Chute Street	17	2017/2018	CIV	\$402
12775	43 Chute Street	17	2017/2018	CIV	\$1,029
12776	47 Chute Street	17	2017/2018	CIV	\$451
12777	49 Chute Street	17	2017/2018	CIV	\$382
12778	51 Chute Street	17	2017/2018	CIV	\$274
12779	53 Chute Street	17	2017/2018	CIV	\$255
12780	55 Chute Street	17	2017/2018	CIV	\$211
12781	52 Chute Street	17	2017/2018	CIV	\$2,351
12782	57 Chute Street	17	2017/2018	CIV	\$265
12966	9 Collins Street	17	2017/2018	CIV	\$715
13651	2 Elizabeth Street	17	2017/2018	CIV	\$1,176
13653	4-6 Elizabeth Street	17	2017/2018	CIV	\$794
13654	12 Elizabeth Street	17	2017/2018	CIV	\$607
13655	14 Elizabeth Street	17	2017/2018	CIV	\$637
13656	16 Elizabeth Street	17	2017/2018	CIV	\$627
13657	18 Elizabeth Street	17	2017/2018	CIV	\$598
13658	1/20-22 Elizabeth Street	17	2017/2018	CIV	\$362
13659	2/20-22 Elizabeth Street	17	2017/2018	CIV	\$211
13660	3/20-22 Elizabeth Street	17	2017/2018	CIV	\$274
13663	8-10 Elizabeth Street	17	2017/2018	CIV	\$1,127
15027	2/3 Inglis Street	17	2017/2018	CIV	\$211
15028	3/5 Inglis Street	17	2017/2018	CIV	\$188
16110	29 Main Hurstbridge Road	17	2017/2018	CIV	\$10,210
16115	48-50 Main Hurstbridge Road	17	2017/2018	CIV	\$480
16116	52 Main Hurstbridge Road	17	2017/2018	CIV	\$500
16117	54 Main Hurstbridge Road	17	2017/2018	CIV	\$362
16120	1/60 Main Hurstbridge Road	17	2017/2018	CIV	\$402
16123	4/60 Main Hurstbridge Road	17	2017/2018	CIV	\$392
16124	5/60 Main Hurstbridge Road	17	2017/2018	CIV	\$372
16125	6/60 Main Hurstbridge Road	17	2017/2018	CIV	\$138
16126	7/60 Main Hurstbridge Road	17	2017/2018	CIV	\$431
16127	64 Main Hurstbridge Road	17	2017/2018	CIV	\$3,086
16128	66 Main Hurstbridge Road	17	2017/2018	CIV	\$1,274
16130	1/68 Main Hurstbridge Road	17	2017/2018	CIV	\$421
16131	2/68 Main Hurstbridge Road	17	2017/2018	CIV	\$382
16133	70 Main Hurstbridge Road	17	2017/2018	CIV	\$1,323
16135	1/72 Main Hurstbridge Road	17	2017/2018	CIV	\$794
16136	2/72 Main Hurstbridge Road	17	2017/2018	CIV	\$784

16137	3/72 Main Hurstbridge Road	17	2017/2018	CIV	\$411
16138	4/72 Main Hurstbridge Road	17	2017/2018	CIV	\$382
16139	5/72 Main Hurstbridge Road	17	2017/2018	CIV	\$382
16140	6/72 Main Hurstbridge Road	17	2017/2018	CIV	\$362
16141	7/72 Main Hurstbridge Road	17	2017/2018	CIV	\$362
16142	8/72 Main Hurstbridge Road	17	2017/2018	CIV	\$764
16143	9/72 Main Hurstbridge Road	17	2017/2018	CIV	\$255
16144	10/72 Main Hurstbridge Road	17	2017/2018	CIV	\$323
16145	11/72 Main Hurstbridge Road	17	2017/2018	CIV	\$353
16146	12/72 Main Hurstbridge Road	17	2017/2018	CIV	\$402
16147	13/72 Main Hurstbridge Road	17	2017/2018	CIV	\$490
16148	14/72 Main Hurstbridge Road	17	2017/2018	CIV	\$647
16149	15/72 Main Hurstbridge Road	17	2017/2018	CIV	\$696
16150	16/72 Main Hurstbridge Road	17	2017/2018	CIV	\$1,029
16153	82-84 Main Hurstbridge Road	17	2017/2018	CIV	\$1,665
16172	94 Main Hurstbridge Road	17	2017/2018	CIV	\$509
16176	102 Main Hurstbridge Road	17	2017/2018	CIV	\$509
16177	103 Main Hurstbridge Road	17	2017/2018	CIV	\$2,890
16181	105-109 Main Hurstbridge Road	17	2017/2018	CIV	\$2,645
16182	110 Main Hurstbridge Road	17	2017/2018	CIV	\$1,274
16185	115 Main Hurstbridge Road	17	2017/2018	CIV	\$598
16186	116 Main Hurstbridge Road	17	2017/2018	CIV	\$402
16190	122 Main Hurstbridge Road	17	2017/2018	CIV	\$598
16193	124 Main Hurstbridge Road	17	2017/2018	CIV	\$1,910
16194	126 Main Hurstbridge Road	17	2017/2018	CIV	\$774
16250	49-55 Main Street	17	2017/2018	CIV	\$1,812
16260	69 Main Street	17	2017/2018	CIV	\$1,078
18925	11-15 Station Street	17	2017/2018	CIV	\$490
18927	17 Station Street	17	2017/2018	CIV	\$529
18928	19 Station Street	17	2017/2018	CIV	\$470
18930	25 Station Street	17	2017/2018	CIV	\$735
21181	62A Main Hurstbridge Road	17	2017/2018	CIV	\$578
21182	62B Main Hurstbridge Road	17	2017/2018	CIV	\$598
21183	62C Main Hurstbridge Road	17	2017/2018	CIV	\$598
21184	62D Main Hurstbridge Road	17	2017/2018	CIV	\$784
21821	34 Chute Street	17	2017/2018	CIV	\$392
21822	36 Chute Street	17	2017/2018	CIV	\$480
22076	33 Main Hurstbridge Road	17	2017/2018	CIV	\$2,400
22193	2-3/60 Main Hurstbridge Road	17	2017/2018	CIV	\$161
22342	1/67 Main Hurstbridge Road	17	2017/2018	CIV	\$813
22343	2/67 Main Hurstbridge Road	17	2017/2018	CIV	\$1,451
22344	3/67 Main Hurstbridge Road	17	2017/2018	CIV	\$1,024
22345	4/67 Main Hurstbridge Road	17	2017/2018	CIV	\$525
22346	5/67 Main Hurstbridge Road	17	2017/2018	CIV	\$519
22347	6/67 Main Hurstbridge Road	17	2017/2018	CIV	\$614
22348	7/67 Main Hurstbridge Road	17	2017/2018	CIV	\$496
22349	8/67 Main Hurstbridge Road	17	2017/2018	CIV	\$10,020
22350	9/67 Main Hurstbridge Road	17	2017/2018	CIV	\$513
22351	10/67 Main Hurstbridge Road	17	2017/2018	CIV	\$473
22352	11/67 Main Hurstbridge Road	17	2017/2018	CIV	\$249
22353	12/67 Main Hurstbridge Road	17	2017/2018	CIV	\$488
23161	39 George Street	17	2017/2018	CIV	\$1,225
23707	1/28 Chute Street	17	2017/2018	CIV	\$656
23708	2/28 Chute Street	17	2017/2018	CIV	\$490
23939	21 Station Street	17	2017/2018	CIV	\$294
23940	23 Station Street	17	2017/2018	CIV	\$627
25407	13/67 Main Hurstbridge Road	17	2017/2018	CIV	\$1,099
25408	14A/67 Main Hurstbridge Road	17	2017/2018	CIV	\$294
25409	15/67 Main Hurstbridge Road	17	2017/2018	CIV	\$245

25744	104-106 Main Hurstbridge Road	17	2017/2018	CIV	\$1,812
26501	93-95 Main Hurstbridge Road	17	2017/2018	CIV	\$8,787
27032	1/24 Elizabeth Street	17	2017/2018	CIV	\$431
27033	2/24 Elizabeth Street	17	2017/2018	CIV	\$421
27133	1/5 Collins Street	17	2017/2018	CIV	\$480
27134	2/5 Collins Street	17	2017/2018	CIV	\$382
27311	1/75 Main Hurstbridge Road	17	2017/2018	CIV	\$1,078
27312	2/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27313	3/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27314	4/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27315	5/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27316	6/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27317	7/75 Main Hurstbridge Road	17	2017/2018	CIV	\$735
27318	8/75 Main Hurstbridge Road	17	2017/2018	CIV	\$1,078
27319	9/75 Main Hurstbridge Road	17	2017/2018	CIV	\$715
27320	10/75 Main Hurstbridge Road	17	2017/2018	CIV	\$715
29389	23 Chute Street	17	2017/2018	CIV	\$323
29390	25 Chute Street	17	2017/2018	CIV	\$235
29414	56-58 Main Hurstbridge Road	17	2017/2018	CIV	\$637
22355	10 George Street	17	2017/2018	CIV	\$178
16257	75 Main Street	17	2017/2018	CIV	\$598

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**\$120,000**

### Diamond Creek Special Rate Scheme 2017

#### Chute St Precinct

**Legend**

- Diamond Creek Special Rate Scheme
- Property boundaries



1:1,400 @ A3


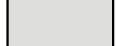
IT Request No: NSCIT-15733  
Printed on: 30/3/2017



### Diamond Creek Special Rate Scheme 2017

#### Main St Precinct

**Legend**

-  Diamond Creek Special Rate Scheme
-  Property boundaries



1:3,200 @ A3

IT Request No: NSCIT-15733  
Printed on: 30/3/2017



**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 Tuesday, **30 January 2018**, notice is given that at Council Ordinary meeting to be held on Tuesday, **27 March 2018**, 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 **\$30,000** in the first year and **\$120,000** annually thereafter, raising in total an amount of \$510,000 over the five (5) year period of the Scheme.

The Special Rate is to be declared, and will remain in force for the period commencing on 1 April 2018 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 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 (contained within the general rate notice) 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 Thursday, **1 March 2018**.

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 Thursday, **1 March 2018**. 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 VIC 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 Future Nillumbik Committee appointed by the Council to hear submissions under section 223 of the Act, meeting to be held on Tuesday, **13 March 2018**, 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 Business, Tourism and Marketing officers on 9433 3111 or email [darko.popovski@nillumbik.vic.gov.au](mailto:darko.popovski@nillumbik.vic.gov.au)

MARK STOERMER  
CHIEF EXECUTIVE OFFICER  
NILLUMBIK SHIRE COUNCIL



## Attachment 6

### Proposed Declaration for renewal of the Special Rate for Diamond Creek Shopping Precinct

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#### That Council:

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* (the Act), and otherwise according to law, hereby declares a Special Rate for Diamond Creek Shopping Precinct under section 163(1) of the Act for the purpose of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Diamond Creek Traders Association, which funds, subject always to the approval, direction and control of Council, are to be used for the purpose of funding a part-time precinct marketing coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Diamond Creek Shopping Precinct.
2. Gives notice to all owners and occupiers of properties included in the scheme and all persons who have lodged a submission and/ or an objection in writing of the decision of Council to declare and levy the Special Rate commencing on 1 April 2018, and the reasons for the decision.
3. Resolves that for the purposes of paragraph 2, the reasons for the decision of Council to declare the Special Rate are that:
  - a. There is sufficient support for the Special Rate from the property owners and occupiers.
  - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the scheme area.
  - c. All persons who are liable or required to pay the Special Rate and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/ or a maintenance or enhancement in the use, occupation and enjoyment of the properties.

- d. The basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate is considered to be fair and reasonable.
4. The criteria which form the basis of the declaration of the Special Rate are the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraph 8 of this declaration are included.
  5. In declaring the Special Rate, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Nillumbik Shire, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Special Rate is declared.
  6. 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 Special Rate is declared), and also the total amount of the Special Rate to be levied by Council is referable to an amount of \$30,000 in the first year and \$120,000 annually thereafter, raising in total an amount of \$510,000.
  7. The period for which the Special Rate is declared and will remain in force is a period of five (5) years commencing on 1 April 2018 and ending on 30 June 2022.
  8. The area for which the Special Rate is declared is all of the land referred to as the Diamond Creek Shopping Precinct, as identified and shown on the plan set out in the attachment forming a part of this declaration.
  9. The Special Rate will be declared and assessed in accordance with the amounts set out alongside each property in the attachment forming a part of this declaration, such amounts having respectively been assessed by multiplying the Capital Improved Value (CIV) of each property which are liable to pay the Special Rate.
  10. The Special Rate will be levied by sending a notice of levy in the prescribed form to the person who is liable to pay the Special Rate, which will require that the Special Rate must be paid 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 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 Special Rate, and directly and indirectly as a result of the expenditure of the Special Rate

**the viability of the Diamond Creek Shopping Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Rate scheme area will be maintained or enhanced through increased economic activity.**

- 12. For the purposes of having determined the total amount of the Special Rate 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 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 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 or professional purposes.**
- 13. The Diamond Creek Traders Association be authorised to administer the proceeds of the Special Rate on the express condition that the Association enters into funding agreement with Council for the period of the Special Rate.**
- 14. Council's Chief Executive Officer, for the purposes of paragraph 13 of this resolution, be authorised to sign the payment agreement between Council and the Association by which administrative arrangements in relation to the Special Rate are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate in accordance with its obligations under the *Local Government Act 1989* to do so, and such funding agreement to be submitted to Council for sealing.**
- 15. Council encourages the Diamond Creek Traders Association to continue improving the marketing plan that responds to the specific needs of the businesses in various areas across the precinct.**