

APPENDIX C

DAREBIN CITY COUNCIL DECLARATION OF A SPECIAL RATE FAIRFIELD VILLAGE BUSINESS DISTRICT

Darebin City Council ("Council") 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* ("Act"), and otherwise according to law, hereby declares a Special Rate ("Special Rate") under section 163(1) of the Act 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 Fairfield Village Traders' Association ("Traders' Association") to be used for the purposes of defraying management, 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 Traders' Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Fairfield Village Business District ("Business District").

The Special Rate is based on geographic criteria, having regard to the location (as set out below and also shown on the plan) and the capital improved value ("CIV") of those rateable properties in the Business District that are used, or reasonably capable of being used, for commercial, retail or professional purposes and further, the classification of those properties as receiving a "primary" or a "secondary" special benefit.

In performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Darebin, in particular the encouragement of commerce, retail and professional activity and employment, the Council intends to levy and spend an amount of \$55,000 in the first year of the Scheme and to levy and spend in the second, third, fourth and fifth years of the Scheme amounts respectively being the amounts of the Special Rate payable in the immediate preceding year to which has been added any increase in the Consumer Price Index ("CPI") as provided by the Australian Bureau of Statistics for the previous financial year.

The total cost of the performance of the function and the exercise of the power and the total amount of the Special Rate to be levied by Council for the period of the Scheme, being 1 July 2014 to 30 June 2019, will be a combination of the amount of \$55,000 (being the amount to be raised in the first year of the Scheme) and the amounts to be raised in the second, third, fourth and fifth years of the Scheme, reflecting any increases in CPI for the previous financial year.

For the period of the Scheme, the Special Rate will be assessed on the following rateable properties (which properties are specified as being the area and the land for which the Special Rate is declared) as follows:

- Properties enjoying a "primary" special benefit (as shown below) will be subject to a special rate of 0.00061083 cents in the dollar of the CIV of the property.

Property	Property Classification
68-154 Station Street, Fairfield (inclusive)	Primary
75-157 Station Street, Fairfield (inclusive)	Primary

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- Properties enjoying a “secondary” special benefit (as shown below) will be subject to a special rate of 0.00045812 cents in the dollar of the CIV of the property.

Property	Property Classification
5-29 Railway Place, Fairfield (inclusive)	Secondary
256-294 Wingrove Street, Fairfield (inclusive)	Secondary
68-154 Station Street, Fairfield (second floor) (inclusive)	Secondary
75-157 Station Street, Fairfield (second floor) (inclusive)	Secondary

A plan of the Scheme area appears below.



The Special Rate will be levied by the Council sending a notice of levy annually to the persons required to pay the Special Rate, which will require that the Special Rate must be paid in four instalments, to be paid by the dates fixed by the Council in the notice and in accordance with section 167(3) of the Act. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Rate. There will be no incentives given for payment of the Special Rate before the due dates for payment.

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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 Business District as a commercial, retail and professional area will be maintained or enhanced through increased economic activity.

In accordance with sections 163(2)(a), (2A) and (2B) of the Act, the Council has determined (and previously set out) the total amount of the Special Rate to be levied (taking into account also any increases in the Special Rate arising from any increases in the CPI) and further considers and formally determines 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 the activities to be provided under the Scheme are marketing, promotional 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.

The Council directs that the Traders' Association be authorised to administer the proceeds of the Special Rate on the express condition that the Traders' Association enters into a funding agreement with the Council for the period of the Special Rate.

The Council's Manager of Economic Development or the person for the time being acting in that position, for the purposes of the preceding paragraph, be authorised to prepare the funding agreement between the Council and the Traders' 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 Traders' 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.

The Council directs that notice be given 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 July 2014, and the reasons for the decision.

For the purposes of the preceding paragraph, the reasons for the decision of Council to declare the Special Rate are that –

- (a) there is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate from all 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; and

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- (d) the basis of the 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.

Council directs that the Traders' Association be advised of the matters specified in this declaration concerning the declaration of Special Rate and the requirement to enter into a funding agreement with the Council.