

BLUEWATER CANAL – SPECIAL CHARGE

63/2/11-01 | #7376503

RECOMMENDATION:

That Council levies a special charge in accordance with sections 92 and 94 of the *Local Government Act 2009* and section 94 of the *Local Government Regulation 2012* known as the Bluewater Canal Special Charge, as follows:

1. That Council makes and levies a special charge on the rateable land identified in this resolution for the purpose of funding works for the dredging and maintenance of the Bluewater Canal, Half Moon Creek and Offshore Channel.
2. At its meeting held on 30 June 2021, Council adopted the overall plan for the carrying out of the works identified therein. The rateable land to which the overall plan applies is the land specified in the Council adoption resolution.

The estimated cost of implementing the overall plan was \$8.2M across the ten (10) year period after allowing for contributions of \$0.3M from the Department of Transport and Main Roads.

3. The rateable land to which the special charge applies will specially benefit from the works, as compared to other areas of the Cairns region generally, for the reason that such rateable land has the benefit of direct access to the canal, creek and offshore channel, the subject of the works. In addition, the rateable land forms part of the canal estate which by its nature specifically contributes to the requirement that the canal, creek and offshore channel be dredged on a regular basis to allow access to the rateable land and marine berths.
4. The special charges for the 2024/25 financial year apply to the rateable land identified below:

Property Description	Amount of special charge
Lots 1 to 37 on SP165903	\$2,589.24 per lot
Lots 1 to 2 on SP279525	\$2,589.24 per lot
Lots 39 to 41 on SP165903	\$2,589.24 per lot
Lots 42 on SP241494	\$2,589.24 per lot
Lots 44 to 65 on SP165903	\$2,589.24 per lot
Lots 79 to 116 on SP165903	\$2,589.24 per lot
Lot 117 on SP261231	\$2,589.24 per lot
Lots 119 to 130 on SP165903	\$2,589.24 per lot
Lots 22 to 23 on SP224676	\$2,589.24 per lot
Lots 1 to 3 on SP301538	\$2,589.24 per lot
Lots 26 to 31 on RP737271	\$2,589.24 per lot
Lots 32 to 43 on RP737260	\$2,589.24 per lot

Property Description	Amount of special charge
Lot 1860 on SP264300 (the “Bluewater Marina”)	\$279,637.92
Lot 26 on SP122863 (the “Yorkeys Knob Marina”)	\$98,929.46

5. The special charge is to be levied by two half yearly levies.
6. If, after the date of this resolution, a reconfiguration of any of the parcels of rateable land into one or more rateable lots is registered in accordance with Chapter 4, Part 9, Division 2 of the *Local Government Regulation 2012*:
 - a. The gross amount to be levied on the rateable lot or lots created by the reconfiguration, from the date of registration, is the amount specified in the table above for the rateable lot which existed immediately prior to the reconfiguration, adjusted on a pro rata time basis to produce an amount for the period from the date of registration of the reconfiguration to 30 June 2025.
 - b. If more than one rateable lot is created by the reconfiguration, the gross amount must be apportioned equally to all of the rateable lots created with waterfrontages.
 - c. In making an apportionment under paragraph (b), land which is dedicated as a road, or dedicated or transferred to a public authority for other public purposes, or which becomes common property (whether under a standard format or building format plan) must be disregarded, and must have no apportionment applied to it, so that the total amount apportioned to the new rateable lot or lots equals the amount specified in the table above as the special charge for the lot which existed immediately prior to the reconfiguration.
 - d. If a rateable lot to which a special charge amount has been apportioned in accordance with this paragraph is itself reconfigured into one or more rateable lots, subparagraphs (a), (b) and (c) and this subparagraph must be applied, with necessary adaptations, to apportion the special charge amount for that rateable lot to the new rateable lots, and so on for any subsequent reconfiguration.

INTERESTED PARTIES:

Not applicable

EXECUTIVE SUMMARY

At its Special Budget Meeting held on 30 June 2021, Council adopted the Bluewater Canal Special Charge Overall Plan 2021/22 - 2030/31. At its Special Budget Meeting held on 19 June 2024, Council adopted the Bluewater Canal Special Charge Annual Implementation Plan 2024/25.

This report recommends levying a special charge in accordance with the Bluewater Canal Special Charge Overall Plan 2021/22 - 2030/31 and the Bluewater Canal Annual Implementation Plan 2024/25.

The Dredge Area is split into three zones, Zone A, B and C (Attachment 2), for calculating the special charge. The special charge units of contributions within the zones are as follows:

Zone A

Bluewater Canals out to the Mouth of Half Moon Creek:

Area of Contribution	Units
Rateable land on the canals in Bluewater Estate (water frontage)	116
Rateable land in Riverside Parade (water frontage)	23
Berths associated with rateable land in the Bluewater Marina	108
SUBTOTAL	247
Council Contribution: Bluewater boat ramp equivalent to 10% of Zone A	28
ZONE A TOTAL	275

Zone B

Mouth of Half Moon Creek out to the entrance of the Yorkeys Knob Marina as for Zone A:

Area of Contribution	Units
Rateable land on the canals in Bluewater Estate (water frontage)	116
Rateable land in Riverside Parade (water frontage)	23
Berths associated with rateable land in the Bluewater Marina	108
SUBTOTAL	247
Council Contribution: Bluewater boat ramp equivalent to 10% of Zone B	28
ZONE B TOTAL	275

Zone C

Outer Channel from the entrance of the Yorkeys Knob Marina:

Area of Contribution	Units
Rateable land on the canals in Bluewater Estate (water frontage)	116
Rateable land in Riverside Parade (water frontage)	23
Berths associated with rateable land in the Bluewater Marina	108
Berths associated with rateable land in the Yorkeys Knob Marina	197
SUBTOTAL	444
Council Contribution: Bluewater boat ramp equivalent to 10% of Zone C	56
Council Contribution: Yorkeys Knob boat ramps equivalent to 10% of Zone C	56
ZONE C TOTAL	556

For the 2024/25 financial year, Council is required to adopt an annual implementation plan for the purpose of implementing the overall plan. The Bluewater Canal Special Charge Annual Implementation 2024/25 was adopted on 19 June 2024.

CONSIDERATIONS:

Statutory:

Adoption of the Bluewater Canal Special Charge is in accordance with Sections 92 and 94 of the *Local Government Act 2009* and Section 94 of the *Local Government Regulation 2012*

CONSULTATION:

Preston Law were previously consulted regarding the documentation and processes required for adopting the Bluewater Canal Special Charge.

ATTACHMENTS:

- Attachment 1: Map identifying parcels subject to special charge
- Attachment 2: Map identifying dredging area

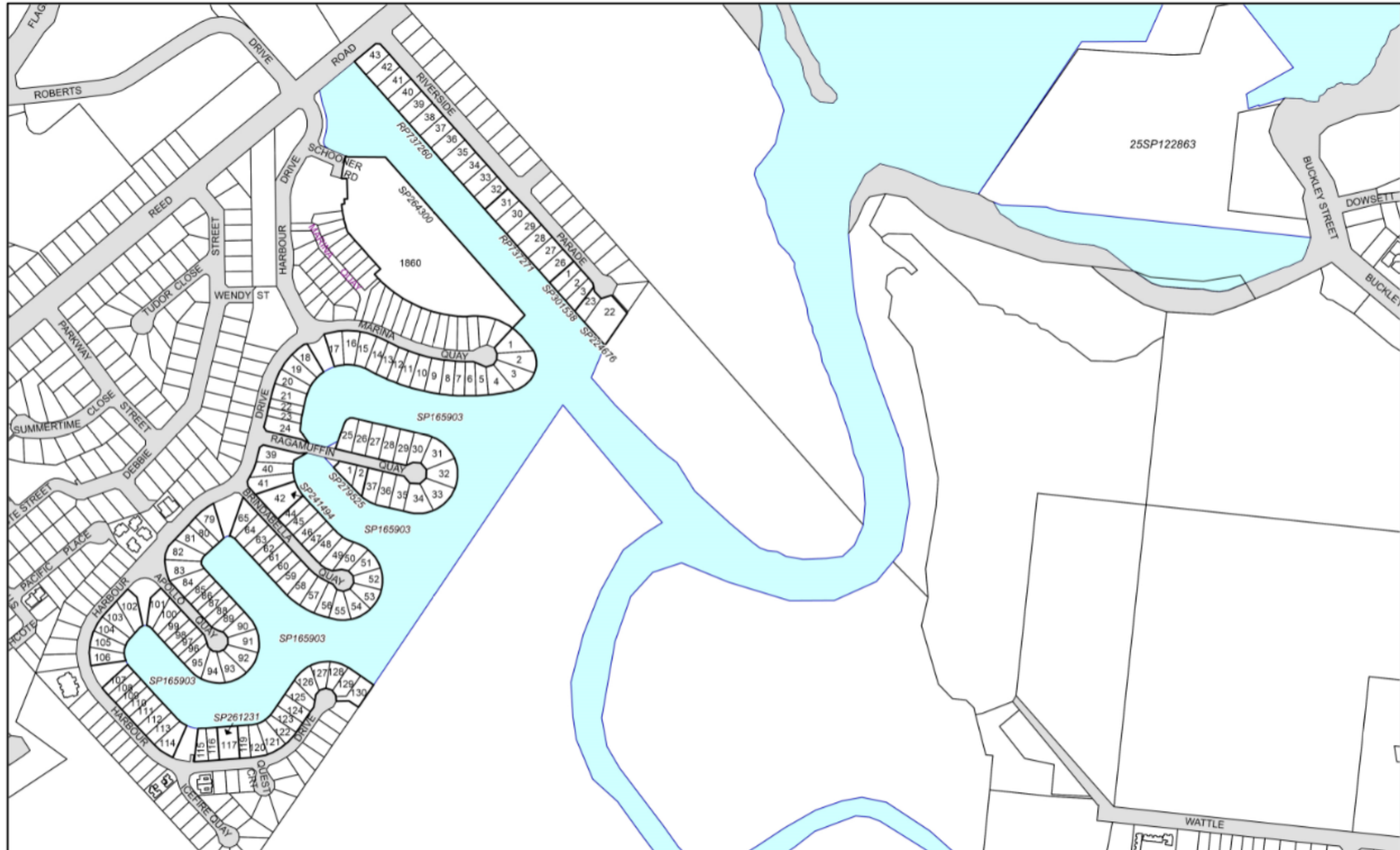


Jason Ritchie
Executive Manager Finance



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Attachment 1: Map identifying parcels subject to special charge



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Attachment 2: Dredging Area

