

Attachment C

Burwood Heights Shopping Centre Proposed Declaration of Special Charge for Marketing and Promotion

1. That Council declares a Special Charge under section 163(1) of the *Local Government Act* 1989 (**Act**) for the purposes of defraying expenses to be incurred by Council in, administratively only and subject to the approval and direction of Council, providing funds to the body operating and known as the Burwood Heights Business Association (**Association**) to be used for the purposes of promotion, marketing, business development and the appointment of a part time Shopping Centre Coordinator (**Coordinator**) as agreed to between Council and the Business Association (**Scheme**), all of which are associated with the encouragement of retail and commercial activity and economic development in the Burwood Heights Shopping Centre (**the Centre**).
2. That the Special Charge will be based on geographic criteria, having regard to the location of those rateable properties in the area of the Scheme that are presently (or are reasonably capable of) being used for, commercial, retail or professional purposes, the addresses of such rateable properties being more particularly described and listed in column 1 of the table forming **Annexure C(1)** to this declaration, which rateable properties are otherwise shown as being situated within the highlighted areas enclosed by continuous thick black lines on the plan forming **Annexure C(2)** to this declaration.
3. That in performing functions and exercising powers in relation to activities associated with the encouragement of retail and commercial activity and economic development in the area for which the Special Charge is to be declared, Council intends to levy an amount of \$45,000 per annum, raising in total an amount of \$225,000 over the five year period of the Scheme, such amount being the total cost of the performance of the function and the exercise of the power by Council (in relation to the encouragement of retail and commercial activity and economic development) to be adjusted annually in accordance with movements in the Consumer Price Index (CPI)).
4. That the Special Charge is to be declared (and will remain in force) for the period commencing on 1 September 2019 and ending on 31 August 2024, being a period of five years.
5. That the area for which the Special Charge is to be declared is the area containing all of the rateable land known as the Burwood Heights Shopping Centre, as otherwise shown as being situated within the highlighted areas enclosed by continuous thick black lines on the plan forming **Annexure C(2)** to this declaration.
6. That the land in relation to which the Special Charge is to be declared is all that rateable land described and listed in column 1 of the table forming **Annexure C(1)** to this declaration.
7. That the Special Charge will be assessed and levied as follows –

- a) for the first year, the Special Charge will comprise the amounts that are set out in column 2 of the table forming **Annexure C(1)** to this declaration; and
 - b) for each subsequent year, the Special Charge will comprise the amounts that were payable in the immediate previous year, adjusted in accordance with movements in the CPI (but shall not be less than the amount payable in the immediate preceding year).
8. That Council considers there will be a special benefit to the persons required to pay the Special Charge (being the owners and the occupiers of the properties listed in column 1 of the table shown forming Annexure C(1) to this declaration) in that there will be a special benefit over and above that available to persons who are not subject to the Special Charge, and directly and indirectly the viability of the Centre as a commercial, retail and professional area will be enhanced through increased economic activity because of the following –
- a) improved marketing and promotion for the Centre as a whole increasing the public awareness, profile, image and perception of the Centre and attracting increased patronage to the Centre;
 - b) all businesses will have better access to advice, information and assistance on latest trends in marketing, retailing, small business and promotion;
 - c) all businesses will benefit from having an experienced person coordinating their activities for their mutual advantage and acting as a single liaison point, lobbyist and spokesperson to represent local business within the Centre and deal with various arms of government (Federal, State and Local); and
 - d) the value and the use, occupation and enjoyment of the properties and the individual businesses in the Scheme area will be maintained or enhanced through increased economic activity.
9. That Council considers only those properties included in the Scheme area as proposed will derive a relevant special benefit from the imposition of the Special Charge and that there are no wider special benefits or community benefits to be taken into account in relation to the proposed Scheme. Council formally determines for the purposes of sections 163(2)(a), 163(2A) and 163(2B) of the Act that the estimated proportion of the total benefits of the scheme to which the performance of the function or the exercise of 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 benefit ratio of one to one (or 100%).
10. That having regard to the preceding parts of this declaration, the Special Charge will be levied by sending notices to the owners or the occupiers of the properties included in the Scheme which will require that the initial Special Charge set out in column 2 of the table forming **Annexure C(1)** to this declaration and the subsequent Special Charges under this Scheme must be paid in full by the date specified in the notices, which will be a date not less than thirty days after the issue of the notice, or if an owner or occupier so elects to pay the Special Charge by four equal instalments (or near equal in respect to the final instalment) by the dates fixed by the Minister by notice published in the *Government Gazette* being the dates on which payment by four instalments of rates and charges are fixed pursuant to section 167(2) of the Act, and further declares that interest shall be charged on all late payments of the Special Charge as set from time to time by Council pursuant to section 172 of the Act.
11. That the Business Association be authorised to administer the proceeds of the Special Charge on the express condition that it maintains and renews its funding agreement with Council for the period of the Special Charge.