

Attachment 3

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

1. That Council proposes to declare 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 Incorporated (**Business Association**) such funds 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 proposed 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, with the addresses of such rateable properties being more particularly described and listed in column 2 of the table forming **Annexure 1** to this proposed declaration, which rateable properties are otherwise shown as being situated within the highlighted areas enclosed by continuous thick blue line on the plan forming **Annexure 2** to this proposed 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 determines that the total amount of the Special Charges to be raised will be (and that Council intends to levy) an amount of \$52,285.55 per annum, raising in total an amount of \$261,427.75 over the five year period of the Scheme, with such amount being the total cost of the performance of the function and the exercise of the power by Council and the total amount to be levied being (in relation to the encouragement of retail and commercial activity and economic development) and with such annual amounts (after the first year) to be adjusted annually in accordance with movements in the Consumer Price Index (CPI)).
4. That the proposed Special Charge is to be declared (and will remain in force) for the period commencing on 1 September 2024 and ending on 31 August 2029, being a period of five years.
5. That the area for which the proposed 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 blue line on the plan forming **Annexure 2** to this proposed declaration.
6. That the land in relation to which the proposed Special Charge is to be declared is all that rateable land described and listed in column 1 and 2 of the table forming **Annexure 1** to this proposed 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 3 of the table forming **Annexure 1** to this proposed declaration; and
 - b) for each subsequent year, the proposed 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 immediately preceding year).
8. That Council considers there will be a special benefit to the persons required to pay the proposed Special Charge (being the owners and the occupiers of the properties listed in column 2 of the table forming **Annexure 1** to this proposed declaration) in that there will be a special benefit over and above that available to persons who are not subject to the proposed 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 proposed 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 presently considers and 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 proposed Special Charge is in a benefit ratio of one to one (or 100%).
10. That having regard to the preceding parts of this proposed declaration, the proposed 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 3 of the table forming Annexure 1 to this proposed 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, if the proposed Special Charge is declared. the Business Association be authorised to administer the proceeds of the Special Charge on behalf of Council on the express condition that the Business Association maintains and renews its funding agreement with Council for the period of the Special Charge.

12. That if the proposed Special Charge is declared, no incentives will be given by Council for the payment of those charges before the due date for payment.

13. That the proposed declaration will expire if the Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration to which the Special Charge relates is made.

Annexure 1 – Burwood Heights Shopping Centre - Special Charge Schedule by Property 2023-2024

Assessment Number	Address	2023/24 amount (rounded)
19284 9	1/10-40 Burwood Hwy	\$993.20
19283 1	2/10-40 Burwood Hwy	\$1,451.95
19282 3	3/10-40 Burwood Hwy	\$2,416.70
19281 5	4/10-40 Burwood Hwy	\$1,876.50
19280 7	5/10-40 Burwood Hwy	\$1,381.50
19279 9	6/10-40 Burwood Hwy	\$1,309.15
19278 1	7/10-40 Burwood Hwy	\$3,160.85
19277 3	8/10-40 Burwood Hwy	\$1,724.80
19276 5	9/10-40 Burwood Hwy	\$2,440.15
19275 7	10-11/10-40 Burwood Hwy	\$1,970.35
10002502 2	11A/10-40 Burwood Hwy	\$1,168.35
10002501 4	12/10-40 Burwood Hwy	\$3,744.10
781858 6	13/10-40 Burwood Hwy	\$1,332.75
763850 5	50 Middleborough Rd	\$2,962.05
19300 3	Suite 1/2-8 Burwood Hwy	\$483.95
19301 1	Suite 2/2-8 Burwood Hwy	\$351.90
10003302 6	Suite 3/2-8 Burwood Hwy	\$572.25
10003487 5	Suite 4 /2-8 Burwood Hwy	\$409.80
10003303 4	Suite 5/2-8 Burwood Hwy	\$698.65
10003488 3	Suite 6/2-8 Burwood Hwy	\$462.15
236882 7	Suite 7/2-8 Burwood Hwy	\$1,061.85
791362 7	Roof/2-8 Burwood Hwy	\$465.80
19285 6	Shop 1/2-8 Burwood Hwy	\$960.65
19286 4	Shop 2/2-8 Burwood Hwy	\$964.30
19287 2	Shop 3/2-8 Burwood Hwy	\$895.65
19288 0	Shop 4/2-8 Burwood Hwy	\$871.45
211855 2	Shop 5/2-8 Burwood Hwy	\$871.45
211856 0	Shop 6/2-8 Burwood Hwy	\$871.45
19291 4	Shop 7/2-8 Burwood Hwy	\$871.45
19292 2	Shop 8/2-8 Burwood Hwy	\$871.45
19293 0	Shop 9/2-8 Burwood Hwy	\$871.45
19294 8	Shop 10/2-8 Burwood Hwy	\$871.45
19295 5	Shop 11/2-8 Burwood Hwy	\$871.45
19296 3	Shop 12/2-8 Burwood Hwy	\$2,501.40
19297 1	Shop 13/2-8 Burwood Hwy	\$871.45
763849 7	Shop 14/2-8 Burwood Hwy	\$871.45
19273 2	42-50 Burwood Hwy	\$5,810.30
Total		\$52,285.55

Annexure 2

