

“SAMPLE ONLY”

PROPOSED DECLARATION

Special Charge for Central Shopping Centre

1. That pursuant to section 163(1) of the *Local Government Act 1989 (Act)* Council declares a Special Charge (***Special Charge***) for the purposes of defraying expenses to be incurred by Council in providing funds to the The Central Traders' Association Incorporated (***Traders' Association***) to be used for the purposes of the appointment of a Shopping Centre co-ordinator and promotional, advertising, marketing and other incidental expenses as approved by Council all of which are associated with the encouragement of commerce and retail activity in The Central Shopping Centre (***Scheme***).

2. That the Council specifies the following period as the period for which the Special Charge is declared and will remain in force –

[insert period, being a period of [insert, eg 5 years].

3. That the following criteria are specified as being the criteria for which the Special Charge is declared –

The Special Charge will be based on geographic criteria, being the location of each rateable property within the Central Shopping Centre that is used, or presently available to be, or reasonably capable of being used, for commercial, retail or professional purposes.

4. That the following are specified as being the total cost of the performance of the function or the exercise of the power by the Council (in connection with activities that are associated with the encouragement of commerce and retail activity in the area for which the Special Charge is to be declared) and also as being the total amount of the Special Charge to be levied by Council –

An amount of [insert total amount to be raised under the Scheme in each year] raising, in total, an amount of [insert total amount to be raised over the period of the Scheme].

5. That the following area is specified as the area for which the Special Charge is being declared –

The area referred to and known as the 'Central Shopping Centre' as identified on the map attached to and forming a part of this declaration.

6. That the following land is specified as the land in relation to which the Special Charge is being declared –

All that rateable land, as described in the table attached to and forming a part of this declaration.

7. That the following manner is specified as the manner in which the contributions to the Special Charge will be declared and assessed by Council –

The properties included in the Scheme will pay a Special Charge for the period of [insert] commencing [when] based on a charge of [insert amount]

8. That the following manner is specified as the manner in which the Special Charge will be levied –

A Notice of Levy will be sent annually to the person who is liable to pay the Special Charge, which will require that the Special Charge is to be paid in the following manner:

(a) by one annual payment to be paid in full by the date fixed by Council in that notice, which will be a date not less than 30 days after the date of issue of the Notice; or

(b) by four instalments, to be paid by the dates which are fixed by the Council in the Notice.

9. That it is considered by Council that there will be a special benefit to the persons required to pay the Special Charge, whether as owners or occupiers of the properties included in the Scheme. This is because, in the opinion of Council, there will be a benefit over and above or greater than the benefit that is available to persons who are not subject to the Special Charge, in that the viability of the Central Shopping Centre as a commercial, retail and professional area and destination will be further enhanced through increased economic activity.

10. That Council for the purposes of having determined the total amount of the Special Charge to be levied –

(a) considers and formally records that only those rateable properties included in the Scheme as proposed in this declaration will derive a special benefit from the imposition of the Special Charge and that there are no wider relevant special benefits (in relation to any non-rateable land included in the Special Charge Scheme area) or community benefits to be taken into account by Council in relation to the proposed Special Charge; and

- (b) 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 Special Charge to which the performance of the function or the exercise of the power in relation to this declaration relate (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is in a ratio of 1:1 or 100% (on the basis that all of the services to be provided from the expenditure of the Special Charge are marketing related and will accordingly only benefit those properties included in the Scheme that are used or presently available to be or reasonably capable of being used for commercial, retail or professional purposes).

- 11. That the Central Traders' Association be authorised to administer the proceeds of the Special Charge on the express condition that the Traders' Association maintains and renews its Funding Agreement with Council for the period of the Special Charge.

- 12. That:
 - (a) Council's Co-ordinator of Economic Development or the person acting in that position, for the purposes of paragraph 11 of this declaration, be authorised to prepare a new Funding Agreement between Council and the Traders' Association, by which administrative arrangements in relation to the Special Charge are re-confirmed, such agreement being a formal pre-condition to the payment by Council to the Traders' Association of any funds from the Special Charge; and

 - (b) such agreement be submitted to Council for adoption and sealing.

- 13. That all owners and occupiers of properties included in the Scheme be notified in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision.