

**2.6 SPECIAL CHARGE SCHEME FOR THE GLEN WAVERLEY ACTIVITY CENTRE**

Responsible Directors: Peter Panagakos and Fee Harrison (Acting)

**RECOMMENDATION**

*That:*

1. *Council receives and notes the:*
  - a) *submissions received; and*
  - b) *Report from the Committee established by Council to hear submitters,*  
*in respect of the proposal to declare a Special Charge Scheme for the Glen Waverley Activity Centre, in accordance with section 223 of the Local Government Act 1989.*
2. *Declares the Glen Waverley Activity Centre Special Charge in accordance with section 163 of the Local Government Act 1989 as follows:*
  - a) *a Glen Waverley Activity Centre Special Charge be declared for a period of 5 years commencing on 1 July 2022 and concluding on 30 June 2027;*
  - b) *the Glen Waverley Activity Centre Special Charge be declared for the purpose of defraying marketing, management, business development and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the Glen Waverley Activity Centre, which:*
    - i. *Council considers is or will be of special benefit to those persons required to pay the Glen Waverley Activity Centre Special Charge;*
    - ii. *arises out of Council's functions of:*
      - A. *encouraging and promoting economic sustainability, commerce, retail activity and employment opportunities in and around the Glen Waverley Activity Centre; and*
      - B. *providing good governance in its municipal district for the benefit and wellbeing of the municipal community;*
  - c) *the Glen Waverley Activity Centre Special Charge apply to all rateable land primarily used or adapted or designed to be used for retail, commercial or entertainment purposes, being the following land at ground level and above ground level:*
    - i. *5-113 Kingsway, Glen Waverley;*
    - ii. *2 – 110 Kingsway, Glen Waverley;*
    - iii. *295 Springvale Road, Glen Waverley;*
    - iv. *245-289 Springvale Road, Glen Waverley;*
    - v. *40-54 Montclair Avenue, Glen Waverley;*
    - vi. *161-193 Coleman Parade, Glen Waverley;*
    - vii. *15-77 Railway Parade North, Glen Waverley; and*
    - viii. *52-60 O'Sullivan Road, Glen Waverley;*

- d) *the total cost of performing the function and the maximum amount of the Glen Waverley Activity Centre Special Charge to be levied is approximately \$107,750 per annum, equating to a maximum of approximately \$538,750 over a period of 5 years, exclusive of any CPI adjustments, or such other amount as is lawfully levied as a consequence of this Resolution;*
  - e) *there will be a special benefit to persons required to pay the Glen Waverley Activity Centre Special Charge because the viability of the Glen Waverley Activity Centre will be enhanced through increased commerce and business activity;*
  - f) *the benefit ratio, being the estimated proportion of the total benefits of the Glen Waverley Activity Centre Special Charge Scheme (including all special benefits and community benefits), that will accrue as special benefits to all the persons who are liable to pay the Glen Waverley Activity Centre Special Charge is in a ratio of 1:1 (or 100%), on the basis that the community benefit is nil;*
  - g) *the criteria which forms the basis of the Glen Waverley Activity Centre Special Charge is the ownership of the land described in paragraph (2)(c) of this Resolution;*
  - h) *the Glen Waverley Activity Centre Special Charge be assessed and levied on the following basis:*
    - i. *\$500.00 per annum for each rateable property comprising a single storey or ground floor premise; and*
    - ii. *\$250 per annum for each rateable property comprising a 1st floor or higher premise,*  
*to be increased by an amount equal to CPI each year; and*
  - i) *the Glen Waverley Activity Centre Special Charge be levied by sending notices to the persons liable to pay it, with payments to be made either in four instalments or a lump sum, in accordance with Council's general rate collection process.*
3. *Council's Chief Executive Officer be authorised to:*
- a) *notify each person who made a submission or objection of Council's decision and reasons for the decision;*
  - b) *write to the owners and occupiers of properties within the Glen Waverley Activity Centre Special Charge Scheme advising them of the decision embodied in this Resolution and associated appeal rights; and*
  - c) *enter into an agreement with the Glen Waverley Traders Association in relation to expenditure of the Glen Waverley Activity Centre Special Charge Scheme proceeds.*

## **INTRODUCTION**

The following report is an adjunct to the Council report of 26 July 2022 titled 'Declaring a Special Charge for the Glen Waverley Activity Centre'.

This report advises Council that there were irregularities in the resolution made by Council on 26 July 2022, and that a further resolution is required to correct those irregularities. Furthermore, this report confirms that there is nothing in this officer report or the recommendation which alters the content or nature of the Glen Waverley Special Charge Scheme from what was originally proposed by Council (see the Council report of 31 May 2022 titled 'Glen Waverley Traders Special Rate and Charge').

This report also sets out a summary of the submissions and objections received, without identifying the submitters, to ensure that Council has had regard to them when making the resolution.

## **BACKGROUND**

On 31 May 2022, Council considered a Council report titled 'Glen Waverley Traders Special Rate and Charge' addressing the proposed introduction of a Special Charge Scheme for the Glen Waverley Activity Centre.

Based on the resolution of Council made at that Council meeting, the intention to declare a Glen Waverley Activity Centre Special Charge, per the proposal presented in the report, was stated and the process to declare it, prescribed by section 163 of the *Local Government Act 1989*, was commenced.

### **Public Notification**

A public notice advising of Council's *Intention to Declare* a Special Charge for the Glen Waverley Activity Centre was published in The Age Newspaper and on Council's website on 8 June 2022, inviting submissions on the proposal to be received by midday on 5 July 2022.

Letters were also sent to all owners and occupiers in the proposed Glen Waverley Activity Centre Special Charge Area.

### **Public Response**

In response to the public notification process:

- 4 separate submissions in support were received. (Confidential Attachment 1)
- 5 individual objections were received (Confidential Attachment 2)
- 67 pro-forma support forms were submitted – it appears to officers that these are forms that were submitted during Council's informal

consultation on the proposal in January 2022 and have been resubmitted by the President of the Glen Waverley Traders Association as indications of support to the formal declaration of the Glen Waverley Activity Centre Special Charge (Attachment 3)

### **S.223 Committee Meeting**

The S.223 Committee met at 7.00pm on 12 July 2022 in the Council Chambers to consider the submissions received in respect of the proposed declaration.

Mayor Stuart James and the Glen Waverley Ward Councillors comprised the Committee appointed by Council.

The agenda of the of S.223 Committee was to hear any verbal presentations and consider the written submissions received.

The Committee made the following recommendation to Council:

- (1) Council to proceed with the Declaration of a Special Charge Scheme for the Glen Waverley Activity centre for the period 1 July 2022 until 30 June 2027.

### **CONCLUSION:**

At its meeting of 26 July 2022, Council noted and accepted the recommendation of the S223 Committee to proceed with the declaration of a Special Charge Scheme for the Glen Waverley Activity Centre.

Officers recently became aware of irregularities in the wording of the resolution made, and as such a revised recommendation intended to correct those irregularities is now presented for consideration and adoption by Council.

There is nothing in this officer report or officer recommendation which alters the content or nature of the Glen Waverley Special Charge Scheme from what was originally proposed by Council (see the Council report of 31 May 2022 titled 'Glen Waverley Traders Special Rate and Charge') and this revised recommendation does not affect the obligations imposed on ratepayers who will be required to pay it any differently from what was originally proposed.

The Glen Waverley Traders Association has been made aware of this revision and is supportive of the action now being taken to rectify the irregularities.