

Public Notice Of Intention To Declare A Special Charge For The Purpose Of Constructing And Improving Roads And Drainage In The Pioneer Bay Estate



In accordance with a resolution of the Bass Coast Shire Council (Council) made at its ordinary meeting held on 20 September 2017, notice is given that at the first ordinary meeting of the Council to be held in February 2018, it is the intention of the Council to declare a Special Charge (Special Charge) under section 163(1) of the *Local Government Act 1989* (Act) for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction and improvement of roads and drainage in the Pioneer Bay Estate (Estate), such works involving the full upgrade of roads and drainage, including the provision of road pavement and sealing works, the provision of underground surface and stormwater drainage in the Estate's roads, the provision of kerb and channelling, nature strip works, speed humps for local traffic management and pedestrian pathways on selected streets and other ancillary works necessary to complete the construction of the project known as the 'Pioneer Bay Area Special Charge Scheme Number 61' otherwise in accordance with the design approved by the Council at its ordinary meeting held on 21 June 2017 (Roads or Scheme).

The criteria which will form the basis of the Special Charge are the ownership of rateable land in the Scheme based on frontage or sideage of the properties (modified where appropriate) and the area of the properties (discounted where appropriate) which abut the Roads.

Council considers that each rateable property included in the Scheme area that is required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads, drainage and property services and that this will enhance or maintain the value and the use, occupation and enjoyment of the properties in the Scheme.

In performing functions and exercising powers in relation to the provision of proper, safe and suitable roads, drainage and property services in the area for which it is proposed the Special Charge will be declared, the Council intends to spend an amount of \$4,438,604.21 being the estimated cost of the works to be undertaken and to levy by way of the Special Charge an amount of \$4,090,173.77. Outside of the Scheme costs, Council will separately assume additional costs of \$142,087.79 towards the cost of the works.

The Special Charge will commence following Council's decision to declare a Special Charge at its first Ordinary meeting in February 2018 and will, for those persons who elect to pay the Special Charge by instalments, remain in force for a period of ten years.

The Special Charge will be assessed by calculating an amount which is based on a 50/50 ratio of the length of the frontage and/or sideage of the properties included in the Scheme (for the road-related works)

and the area of the properties included in the Scheme (for the drainage-related works) and then ascribing to each property applicable 'benefit units' (BU's), which BU's will reflect the respective frontage/sideages and areas which the properties have to the Roads. The 88 properties included in the previous easement special charge drainage scheme undertaken by the Shire of Bass in the 1990's will be allowed an apportionment 'discount' of 0.5 BU towards the drainage-related costs. The Special Charge will be levied by Council sending a notice of levy to the persons who are liable to pay the Special Charge. The levy notice will include three options for payment as follows –

- Payment of the Special Charge in full within 30 days, with a 5% discount;
- Payment of the Special Charge in full within 90 days; and
- Payment of the Special Charge in 40 quarterly instalments over 10 years, with interest.

Ratepayers who elect to pay by instalments will receive subsequent quarterly instalment notices. Because the performance of the function and the exercise of the power in respect of which the Special Charge is to be declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being given to ratepayers which will allow ratepayers to pay the Special Charge by quarterly instalments over a 10 year period or as otherwise negotiated. Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing cost of Council in respect of the construction of the Roads by more than 1%.

Council will consider cases of financial and other hardship and reconsider other payment options for the Special Charge. There will be incentives given for payment of the Special Charge before the due date for payment, with a discount of 5% being offered if the Special Charge is paid as a lump sum within 30 days of levying the Special Charge.

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, the Council considers and 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 Scheme to which the performance of the function and the exercise of the 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 ratio of 0.9215 or 92.15%. This is on the basis that, in the opinion of the Council, there are properties in the Scheme area which will receive a special benefit but which are not required to pay the Special Charge and there are some very limited tangible and direct broader community

benefits arising from the works to be performed under the Scheme.

Copies of the proposed declaration of Special Charge and a detailed plan of the Scheme area, including a listing of the rateable properties included in the Scheme and the amount of the Special Charge payable by each property included in the Scheme are available for inspection at the offices of the Bass Coast Shire Council, 76 McBride Avenue, Wonthaggi during normal business hours for a period of at least 28 days after the publication of this notice.

Any person may make a written submission to the Council under sections 163A and 223 of the Act. In addition, any person who will be required to pay the Special Charge to be imposed by the proposed declaration has a right to object to the proposed declaration and may also make a written objection to the Council under section 163B of the Act.

Written submissions to be submitted to the Council under section 223 of the Act and/or written objections to be lodged with the Council under section 163B of the Act must be received by the Council by 5pm on 3 November 2017. Submissions and/or objections must be in writing and addressed and sent by mail to the Chief Executive Officer, Bass Coast Shire Council, PO Box 118, Wonthaggi VIC 3995.

Any person who has made a written submission under section 223 of the Act and has requested to be heard in support of their written submission is entitled to appear in person or to be represented by a person specified in the submission before a Committee appointed by the Council to hear submissions under section 223 of the Act, the day, time and place of which will be advised in writing.

Any person making a written submission under section 223 of the Act is advised that the Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the Act. Accordingly, all submissions and personal information in submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*.

Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact Angus Cameron, Acting Coordinator Asset Management on (03) 5671 2211 or email angus.cameron@basscoast.vic.gov.au.

PAUL BUCKLEY
CHIEF EXECUTIVE OFFICER