

## 6.1.2 Sealing the Hills - Caroline Avenue, Cockatoo Catchment - Special Charge Scheme Notice of Intention

**Responsible GM:** Peter Benazic  
**Author:** Ken White

### Recommendation(s)

That Council:

1. Acknowledge the majority landowner support as set out in this report to contribute to the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo, (as shown in attachment 2), including sealed pavement, kerb & channel and associated drainage and incidental works;
2. Approve the assessment of the benefit ratio for the proposed special rate and charge scheme as set out in attachment 3 of this report.
3. Adopt the proposed area of the scheme and method of apportionment as set out in attachments 2 and 4 respectively.
4. Give notice of intention to declare a special charge scheme in accordance with the proposed declaration set out in attachment 5 to fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 19th July, 2021, or such later date as necessary.
6. Appoint the Mayor and/or ward Councillor and/ General Manager Infrastructure and Environment as a Council committee with a quorum of one to consider submissions received to Section 223 of the Local Government Act with respect to this scheme.
7. Authorise the General Manager Infrastructure and Environment to determine the administrative arrangements to enable submissions to be heard and considered.
8. Approve the public notice as set out in attachment 6 to be advertised in the Pakenham-Berwick Gazette and Hills Trader as newspapers that service the area.

### Attachments

1. SCS Process Check list - Sealing the Hills Program [6.1.2.1 - 2 pages]
2. SCS included properties plan - Caroline Ave Cockatoo Catchment [6.1.2.2 - 1 page]
3. SCS Benefit Unit Calculation Caroline Ave Cockatoo catchment [6.1.2.3 - 3 pages]
4. SCS Apportionment Sheet - Caroline Ave Cockatoo catchment [6.1.2.4 - 3 pages]
5. SCS declaration Caroline Ave Cockatoo catchment [6.1.2.5 - 2 pages]
6. SCS Public Notice Caroline Ave Cockatoo catchment [6.1.2.6 - 2 pages]

### Executive Summary

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo. This notice

begins the formal consultation process at the commencement of the statutory process that enables Council to levy a special charge, (refer attachment 1).

The Caroline Avenue, Cockatoo catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 65% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,019,400 of which \$598,500 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$1,420,900 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Councils special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provides further relief to those owners demonstrating genuine financial hardship.

## Background

The Caroline Avenue, Cockatoo catchment that includes Caroline Avenue, Boronia Crescent and Rouen Road is included for construction in Councils Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 77), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

Of the seventy seven properties surveyed Council received fifty, (50), responses, (or 65%). Thirty seven, (65%), of these responses indicated support to contributing to the scheme, while thirteen, (35%), indicated opposition. Both sections of Caroline Avenue, (east and west of Bell Street), and Boronia Crescent had a higher percentage of supporting owners verses opposing owners. Of the four properties in Rouen Road, one owner indicated support, two owners indicated opposition and one owner did not respond. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Caroline Avenue, Boronia Crescent and Rouen Road. Although Rouen Road does not have majority support, it is considered that it should remain within the scheme to reduce future maintenance costs to Council.

The Cockatoo Primary School also lies within the scheme boundary. Given the level of traffic and parking demand generated by the school it is considered that the State Education Department should be contributing to the scheme. Feedback through the community consultation and questionnaire processes raised this as one of the major issues for the owners opposing the scheme. Although there is no statutory obligation for the Education Department to contribute, a notice will be sent requesting that they contribute a minimum of \$63,000 based on the nine existing titles that make up the school site, ie: nine x \$7,000 = \$63,000. Council has a historic letter on file from the Education Department indicating their preparedness to contribute to a scheme and this will be included with the proposed request/notice to demonstrate their prior commitment.

### **Policy Implications**

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to this report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

### **Relevance to Council Plan**

#### **3.2 Our Environment - Transport linkages connecting towns**

3.2.1 Upgrade Council roads to improve safety while considering the traffic demand of the community.

3.2.2 Continue the use of special charge schemes to finance road, drainage and footpath improvement programs.

### **Climate Emergency Consideration**

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

### **Consultation/Communication**

A letter was sent in January of this year to the landowners of Caroline Avenue, Boronia Crescent and Rouen Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. A subsequent face to face community consultation session was held at the Cockatoo Community Centre in early February, from 4.00pm to 7.00pm in the evening, to give owners and residents an opportunity to view plans and comment of the proposal. Approximately 25 people attended.

In mid February a questionnaire was sent by registered mail to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per benefit unit. When Council became aware of mail delivery issues in Cockatoo a door knock / reminder letter drop was undertaken of properties who had not responded to the questionnaire and the response date extended by one month. As outlined above 50 questionnaire responses from the 77 included properties were received.

Additionally, an on-site meeting with the owners of the properties in Caroline Avenue, east of Bell Street, was held in late March to further explain the concept construction plans and the benefit of the scheme to these owners.

### **Financial and Resource Implications**

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,019,400
Total Council Contribution (70%)	\$1,420,900
Benefitting Landowner Contribution (30%)	\$598,500

Note: the estimated project cost includes an allowance of 15% for design, supervision and administration of the scheme.

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within six months of the practical completion of the works.

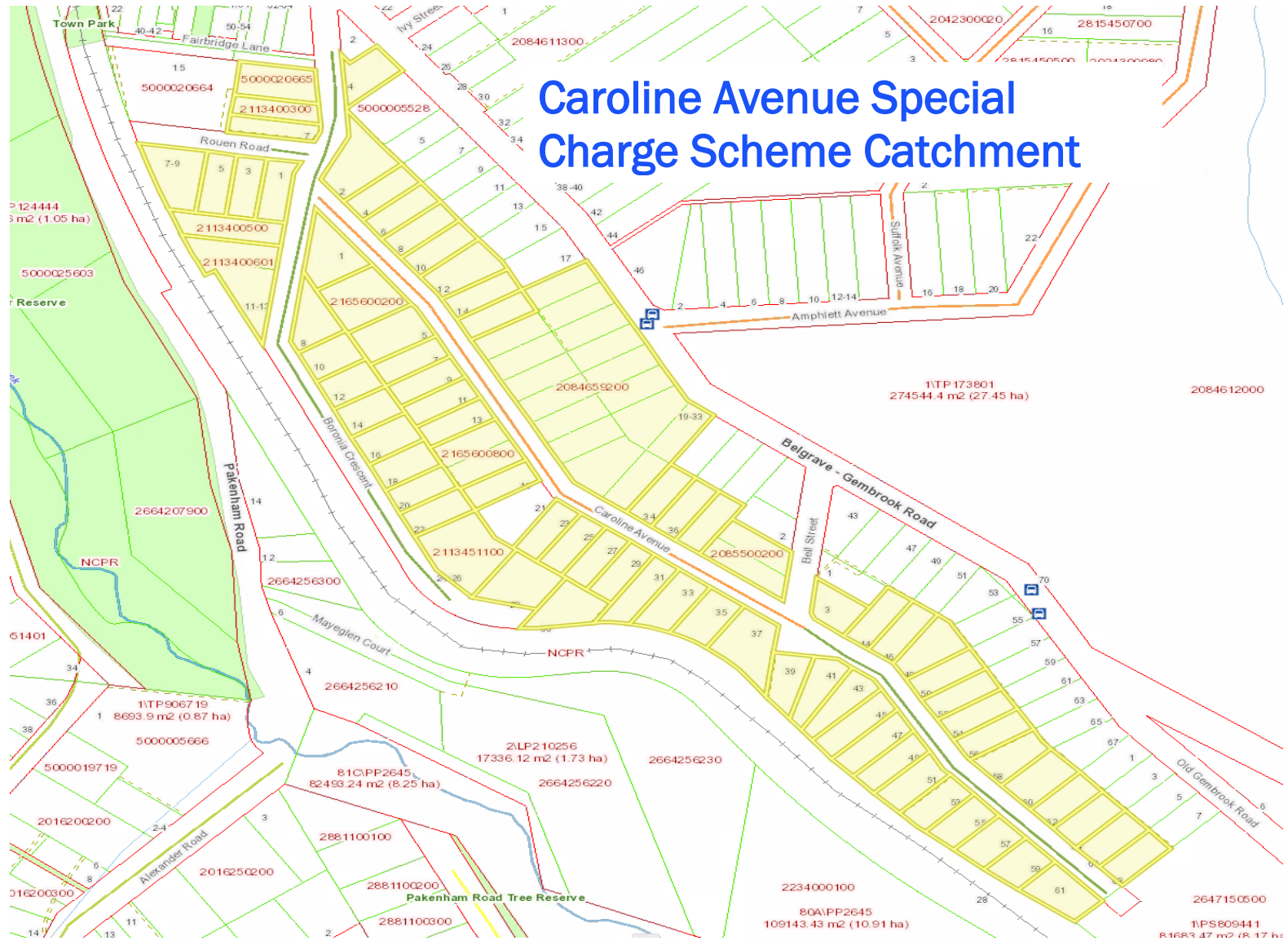
### **Conclusion**

It is concluded that the majority of property owners support the construction of the Caroline Avenue, Cockatoo catchment and that Council should commence the formal consultation process to initiate a special charge scheme by proceeding to give notice of its intention to declare a special charge to part fund the works.

**SEALING THE HILLS PROGRAM –****SPECIAL CHARGE SCHEME PROCESS CHECK LIST****SPECIAL CHARGE PROJECTS – (Section 163 – Local Government Act 1989)**

	<b>Stage</b>	<b>Description</b>
	<b><i>Survey of Landowners</i></b>	Initial survey of property owners to assist in determining the need, associated issues and level of support for the proposed works and special rate/charge scheme.
	<b><i>Approval to prepare scheme</i></b>	Decision made to prepare scheme or to shelve project following consideration of the survey of property owners and feed back from the community. If the decision is that the scheme should proceed, the engineering design is completed and a detailed estimate and an apportionment of costs are prepared. If a decision is made that the scheme should not proceed based on resident and community feed back, the affected residents are advised accordingly
	<b><i>Intention to Declare Scheme</i></b>	Report to Council providing information on proposed scheme including advice of impending advertising of scheme and declaration of charge. Report seeks Council approval by resolution to proceed with process.
	<b><i>Advertisement and Notification</i></b>	The proposed scheme is advertised in the local newspaper and all affected property owners are notified by mail of proposed works, costs and contributions. This advertisement and notification indicates Council's intention to 'declare' a scheme in a month's time and seeks submissions from affected property owners. Details of the scheme may be inspected at the Shire Offices.
	<b><i>Submissions</i></b>	From the time of advertising, property owners have 28 days (as set down by the Act) to lodge submissions, either in support or opposing the proposed scheme.
	<b><i>Submissions Review Panel Hearing</i></b>	A Submissions Review Panel is convened (may be Council Committee or whole Council) and meets to consider submissions. Some submissions are written only. Submitters may also request to be heard before the Committee. The Panel makes a recommendation to Council regarding the scheme.
	<b><i>Abandonment of scheme</i></b>	The Panel may recommend to Council that the scheme be abandoned. After considering the Panel's report, Council may proceed to abandon the scheme following which property owners are notified and the scheme does not proceed.
	<b><i>Declaration Report</i></b>	Alternatively the Panel may recommend to Council that the scheme proceed. After considering the Panel's report, Council may proceed to "declare" the charges in accordance with its advertised intent. Subsequent to this the Finance Manager issues the levy notices and there is a formal charge placed on the property. This is the final step in the process for Council to make a decision on the scheme.
	<b><i>Appeal</i></b>	Property owners may lodge an application for review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard

		<b>and determined by the Tribunal and this process generally takes four to six months. Decisions made by VCAT are binding on all parties.</b>
	<b><i>Construction</i></b>	<b>Council may then proceed to construction. Tenders are invited and a contractor appointed to construct the works. Invoices are issued seeking payment of the declared contribution. Payment may be by instalments or lump sum. The Social Responsibility provisions of Council's Special Charge Policy provides for those facing financial difficulty.</b>
	<b><i>Final Cost Report</i></b>	<b>At the completion of the works the scheme is "finalised" and a report presented to Council.</b>



## CAROLINE AVENUE, BORONIA CRESCENT AND ROUEN ROAD, COCKATOO

### Calculation of Special Benefit and Maximum Total Levy

In accordance with Section 163(2) of the Local Government Act and Ministerial Guidelines prepared relating to special rates and charges, Council is required to give consideration to the special benefit received from properties external to the proposed special charge as compared to those that will be liable for the special charge.

Landowners involved in the scheme are not to be charged more than their proportional benefit for the proposed works, (maximum total levy).

The maximum total levy equates to the product of the benefit ratio (R) and total cost of the works for which the special charge is being established.

Council is required to establish a benefit ratio calculated as follows:

$$\frac{\text{TSB (in)}}{\text{TSB (in) + TSB (out) + TCB}} = R$$

- TSB (in) – is the estimated total special benefit for those properties that Council proposes to include in the scheme.
- TSB (out) – is the estimated total special benefit for those properties with an identified special benefit that the Council does not propose to include in the scheme.
- TCB – is the estimated total community benefit.
- R – is the ratio benefit.

### Properties included in the scheme – TSB (in)

It is proposed to include 77 properties in the scheme resulting in 85.5 benefit units that gain primary access or abut Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo. The criteria considered appropriate for differentiating between the special benefit received by these properties compared to properties not included in the scheme and the broader community are as follows:

- The proposed works will provide continued and safe vehicular access to and from properties gaining primary access from these streets.
- The proposed works will improve the physical and environmental amenity of properties both abutting or gaining access from these streets.
- The proposed works will provide a drainage solution that will assist with street and property drainage issues currently experienced by properties both abutting and gaining access from these streets.

TSB (in) is therefore calculated as having a result of 85.5.

### Properties not included in the scheme receiving special benefit – TSB (out)

There are no properties with a special benefit that Council does not propose to include in the scheme.

TSB (out) is therefore calculated as having a result of 0.

**Note:** No.3 Belgrave Gembrook Road has only a 1.5 metre abuttal to Boronia Crescent and access would not be possible of permitted given this dimension. The 8.34ha landholding at the east end of Caroline Avenue, (17 Old Gembrook Road), which gains existing access from Old Gembrook Road, is heavily vegetated of environmental significance, therefore access from Caroline Avenue is



considered highly unlikely. These two properties therefore do not receive an identified special benefit.

#### **Community benefits – TCB**

As Caroline Avenue, Boronia Crescent and Rouen Road do not act as collector roads, the traffic generation and parking requirements of the Cockatoo Primary School are attributed to the needs of the broader community. It is also proposed to construct outfall drainage infrastructure as part of the overall works that will have a broader community benefit.

TCB is therefore calculated as having a result of 36.5

#### **Maximum total levy**

Having regard to “properties not included in the scheme receiving special benefit” and “community benefits”, it is considered that the 77 landowners within the proposed special charge scheme will receive 70 percent of the overall benefit as a benefit ratio (R) for the proposed scheme by applying the above factors to the Ministerial Guidelines formula.

The calculation of the maximum total levy therefore equates to \$1,413,580, (cost of scheme works less 30% for traffic and parking demands associated with the Cockatoo Primary School and outfall drainage works).

Having regard to the Council’s contribution towards the works, as per the scheme details and Councils intent to only levy the property owners \$598,500, compliance with the maximum total levy requirements under Section 163(2A) is satisfied.

#### **Manner of assessment and levy**

In relation to special charge scheme considerations the manner of assessment has taken into account the following criteria:

- All lands within the designated area, described above.
- The existing and potential use of the land.
- The special benefit to each of those lands
- The accessibility of the works for those lands.

The basis of apportionment has been formulated in accordance with Council’s Special Rates and Charges Policy on a benefit unit basis as follows:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

Generally, lots will be charged one benefit unit where access is taken directly from Caroline Avenue, Boronia Crescent or Rouen Road. For instances where properties take primary access from an alternative road but have side or rear abuttal to one of the roads to be constructed, these properties would generally be charged one half benefit unit.

With regard to individual properties within the scheme:

- 1 Boronia Crescent – property levied 0.5 benefit unit as half of frontage already fully constructed.
- 4 Boronia Crescent - property levied 0.5 benefit unit as half of frontage already fully constructed.
- 4-6 Bell Street – property levied 0.5 benefit unit as primary access taken from Bell Street with side boundary to Caroline Avenue.
- 11-13 Boronia Street – property levied 2 benefit units as property consists of 2 existing titles, both capable of being sold and built on.
- 15 Caroline Avenue - property levied 2 benefit units as property consists of 2 existing titles, both capable of being sold and built on.
- 19-33 Belgrave/Gembrook Road, (Cockatoo Primary School) – property levied 9 benefit units as school site consists of 9 individual lots.

The basis of the allocated charge to properties has been calculated from:

- a) \$7,000 (fixed) per benefit unit.
- b) In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).

### Major Roads Program - Special Charge Scheme (SCS) Apportionment Sheet

Caroline Avenue, Boronia Crescent, Rouen Road Cockatoo Catchment

Project Cost Summary:	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)	\$2,019,400
Total Council Contribution	\$1,420,900
Total Landowner Contribution	\$ 598,500.00
Financing Costs	\$52,369

Council Cost Summary:	
Council 30% Contribution	\$605,820
Subsidy for costs above FedFund ceiling	\$ 815,080.00
Total Council Cost	\$ 1,420,900.00

Apportionment Summary:	
Unit Ratio =	100%
Total Landowner Units =	85.5
Total Council Units =	Nil
\$ / Unit =	16,533
FedFund Ceiling \$/ Unit =	\$7,000

DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
L2 PS731198 V11610 F978	1 Boronia Cres	5000020665	0.5	\$ 8,266.50	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L1 TP617875	4 Boronia Cres	2113450200	0.5	\$ 8,266.50	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L2 PS745379 V11641 F676	5 Boronia Cres	2113400300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 PS745379 V11641 F677	7 Boronia Cres	2113400400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP101474	8 Boronia Cres	2113450300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP86938 V9628 F9521	9 Boronia Cres	2113400500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L101 LP9628	10 Boronia Cres	2113450400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L26 LP9628;L1 TP198797	11-13 Boronia Cres	2113400601	2	\$ 33,066.00	\$ 14,000.00	\$ 1,225.00	\$ 15,225.00	\$ 2,175.00
L100 LP9628 V6921 F075	12 Boronia Cres	2113450500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP94036	14 Boronia Cres	2113450600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L98 LP9628 V7097 F237	16 Boronia Cres	2113450700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L97 LP9628 V7530 F063	18 Boronia Cres	2113450800	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L96 LP9628 V7097 F241	20 Boronia Cres	2113450900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP579887 V9526 F727	22 Boronia Cres	2113451000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP150472	24-26 Boronia Cres	2113451100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L92 LP9628	28 Boronia Cres	2113451200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L91 LP9628 V371 F8989	30 Boronia Cres	2113451300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L32 LP22184	3 Bell St	2085550100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1-2 TP551821	4-6 Bell St	2085500200	0.5	\$ 8,266.50	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L1 TP142119	3 Belgrave-Gembrook Rd	5000005528						
L37-44 55-62 P9628	19-33 Belgrave-Gembrook Rd	2084659200	9	\$ 148,797.00	\$ 63,000.00	\$ 5,512.50	\$ 68,512.50	\$ 9,787.50
L71 LP9628	1 Caroline Ave	2165600100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L70 LP9628	2 Caroline Ave	2165650100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP555113	3 Caroline Ave	2165600200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L69 LP9628	4 Caroline Ave	2165650200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP156159	5 Caroline Ave	2165600300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP577831	6 Caroline Ave	2165650300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L75 LP9628 V6921 F074	7 Caroline Ave	2165600400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L67 LP9628	8 Caroline Ave	2165650400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP654341 V9406 F515	9 Caroline Ave	2165600500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L66 LP9628 V7332 F311	10 Caroline Ave	2165650500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L77 LP9628	11 Caroline Ave	2165600600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L65 LP9628 V7307 F336	12 Caroline Ave	2165650600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L78 LP9628	13 Caroline Ave	2165600700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L64 LP9628	14 Caroline Ave	2165650700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50

L1 TP166496;L1 TP188641	15 Caroline Ave	2165600800	2	\$ 33,066.00	\$ 14,000.00	\$ 1,225.00	\$ 15,225.00	\$ 2,175.00
L1 TP106069 V9666 F993	19 Caroline Ave	2165600900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L82 LP9628	21 Caroline Ave	2165601000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L83 LP9628 V7179 F731	23 Caroline Ave	2165601100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L84 LP9628 V7141 F191	25 Caroline Ave	2165601200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L85 P9628	27 Caroline Ave	2165601300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L86 LP9628 V8844 F759	29 Caroline Ave	2165601400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L87 LP9628	31 Caroline Ave	2165601500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L88 P9628 GEM	33 Caroline Ave	2165601600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP115452	34 Caroline Ave	2165650900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L89 LP9628	35 Caroline Ave	2165601700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP196531 V9231 F487	36 Caroline Ave	2165651000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L90 LP9628	37 Caroline Ave	2165601800	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP165940	38 Caroline Ave	2165651100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L33 P22184	39 Caroline Ave	2165601900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L34 LP22184	41 Caroline Ave	2165602000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L35 LP22184 V8683 F861	43 Caroline Ave	2165602100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L30 LP22184	44 Caroline Ave	2165651200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L36 LP22184 V8142 F738	45 Caroline Ave	2165602200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L29 LP22184	46 Caroline Ave	2165651300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP111293 V9541 F852	47 Caroline Ave	2165602300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L28 LP22184 V8117 F830	48 Caroline Ave	2165651400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP99412	49 Caroline Ave	2165602400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L27 LP22184 V8808 F382	50 Caroline Ave	2165651500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L39 LP22184	51 Caroline Ave	2165602500	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L26 LP22184 V8421 F427	52 Caroline Ave	2165651600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L40 LP22184	53 Caroline Ave	2165602600	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP134289 V9528 F624	54 Caroline Ave	2165651700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L41 LP22184 V8500 F176	55 Caroline Ave	2165602700	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L24 LP22184 V8612 F292	56 Caroline Ave	2165651800	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L42 LP22184	57 Caroline Ave	2165602800	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L23 LP22184	58 Caroline Ave	2165651900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L43 LP22184 V8612 F291	59 Caroline Ave	2165602900	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP107620	60 Caroline Ave	2165652000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L44 LP22184	61 Caroline Ave	2165603000	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L21 LP22184	62 Caroline Ave	2165652100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP166553	64 Caroline Ave	2165652200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP181179	66 Caroline Ave	2165652300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L18 LP22184	68 Caroline Ave	2165652400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L24 LP9628	1 Rouen Rd	2742550100	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L23 LP9628 V4966 F154	3 Rouen Rd	2742550200	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP144947 V9989 F384	5 Rouen Rd	2742550300	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
PC350371 V10106 F309	7-9 Rouen Rd	2742550400	1	\$ 16,533.00	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
<b>Total</b>			<b>85.5</b>	<b>\$ 1,413,571.50</b>	<b>\$ 598,500.00</b>	<b>\$ 52,368.75</b>	<b>\$ 650,868.75</b>	<b>\$ 92,981.25</b>

**Notes**

Total project cost includes 15% design/supervision/admin allowance  
 Financing charge estimated on 5% interest paid in quarterly installments over a 7 year repayment period  
 2 benefit units attributed to properties/assessments containing 2 titles.

No 1 & No 4 Boronia Crescent attributed half a benefit unit as half of frontage already fully constructed

\* Uncertainty of including 3 Belgrave/Gembrook Road as only 1.49m rear abuttal to Boronia Crescent

## PROPOSED SPECIAL CHARGE SCHEME DECLARATION

### CAROLINE AVENUE, BORONIA CRESECENT AND ROUEN ROAD, COCKATOO

That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:

- a) A special charge is declared for a period until the works have been completed and the scheme finalised.
- b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
- c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
- d) The following be specified as the area for which the special charge is declared:
  - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
- e) The following be specified as the land in relation to which the special charge is declared:
  - All properties described in attachment 4 of this declaration.
- f) The following be specified as the criteria which form the basis of the special charge so declared:
  - Those properties fronting, abutting or adjacent to the works.
- g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
  - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
  - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
  - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
  - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
  - The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,019,400.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$598,500.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
  - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
  - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:

- a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
  - b. The charge may be paid by:
    - Lump sum within one month of the issue of the notice without incurring interest, or
    - Quarterly instalments of principal and interest over a period of up to seven years.
  - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
  - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

**SPECIAL CHARGE SCHEME PUBLIC NOTICE****Cardinia Shire Council****Notice of Intention to Levy a Special Charge to Part Fund the Construction of  
Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo**

Notice is hereby given that Cardinia Shire Council (the Council) intends to consider a resolution to declare a special charge at its 19 July 2021 meeting, (or subsequent Council meeting if necessary), for the purposes of defraying any expenses incurred by Council in relation to the construction of Caroline Avenue, Boronia Crescent and Rouen Road, Cockatoo including sealed road pavement, kerb & channel and associated drainage and incidental works.

The proposed special charge affects those properties it considers receive a special benefit. Affected property owners are those fronting, abutting or adjacent to the works.

In accordance with Section 163 of the Local Government Act, 1989, a copy of the proposed declaration together with the details of the proposed scheme including plans and apportionments may be inspected at the Cardinia Shire Offices, 20 Siding Avenue, Officer during office hours for at least 28 days after the date of this notice.

The estimated cost of the works is \$2,019,400.

The total amount of the special charge proposed to be levied by Council is \$598,500.

The proposed declaration distributes the charges between property owners based on benefit units.

Payment may be made by lump sum or by quarterly instalments over a period of seven years. The notice requesting payment is intended to be forwarded six months after the works reach the stage of practical completion.

The scheme will remain in force until all payments have been completed and the scheme finalised.

**TAKE NOTICE:**

That a person may make a submission pursuant to Section 163A of the Act and it will be considered in accordance with Section 223 of the Act. A person may also request to be heard in support of their written submission by making that request in writing.

A person required to pay the special charge levied by the proposed declaration may also object pursuant to Section 163B of the Act concerning Council making the proposed declaration by lodging a written objection.

Submissions and objections are to be made to the Council and must be lodged in writing within 28 days of the publication of this notice with the General Manager Infrastructure & Environment, Cardinia Shire Council at 20 Siding Avenue, Officer or by post to PO Box 7, Pakenham 3810.



A committee of the Council will be convened to hear submissions. Further advice will be provided on the date of the hearing for those property owners requesting to address this committee in person.

Letters and information relating to the Notice of Intention will be mailed to the owners of the affected properties. You should contact Mr Ken White, Special Charge Scheme Officer, Cardinia Shire Council on 59454222 if you do not receive this letter within the next few days.