

## 6.2.8 Sealing the Hills - Station Road, Cockatoo Catchment, Special Charge Scheme

**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 Baker Street, Station Road, Garden Street, Glen 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 Baker Street, Station Road, Garden Street and Glen Road, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 21st March, 2022, 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 N of D Check list Sealing the Hills Program [3V3M] [6.2.8.1 - 2 pages]
2. SCS Catchment Plan Baker Station Glen Garden [6.2.8.2 - 2 pages]
3. SCS Benefit Unit Calculation Station Rd Cockatoo catchment [6.2.8.3 - 3 pages]
4. SCS Apportionment - Baker Station Garden Glen [6.2.8.4 - 3 pages]
5. SCS Declaration Notice Baker Station Garden Glen [6.2.8.5 - 2 pages]
6. SCS Public Notice Baker Station Garden Glen [6.2.8.6 - 2 pages]

### Executive Summary

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Baker Street, Station Road, Garden Street and Glen Road. 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 Station Road, Cockatoo catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in the indicated roads in this catchment indicated 74% 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 \$2,535,750 of which \$612,500 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$1,923,250 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). Council's 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 Station Road, Cockatoo catchment that includes Baker Street, Station Road, Garden Street and Glen Road is included for construction in Council's 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 88), 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 eighty eight properties surveyed Council received forty six, (46), responses, (or 52%). Thirty four, (74%), of these responses indicated support to contributing to the scheme, while twelve, (26), indicated opposition. No response was received from the two properties in Station Road. Support for the scheme was consistent across the other three roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Baker Street, Station Road, Garden Street and Glen Road.

## 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

### 2.1 We support the creation of liveable spaces and places

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

## 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 September of this year to the landowners of Baker Street, Station Road, Garden Street and Glen Road outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. As a consequent of Covid 19 restrictions, no face to face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

In early October a questionnaire was mailed 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. As outlined above 46 questionnaire responses from the 88 included properties were received

## Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,535,750
Total Council Contribution (76%)	\$1,923,250
Benefitting Landowner Contribution (24%)	\$612,500

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 Baker Street, Station Road, Garden Street and Glen Road, Cockatoo 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)**

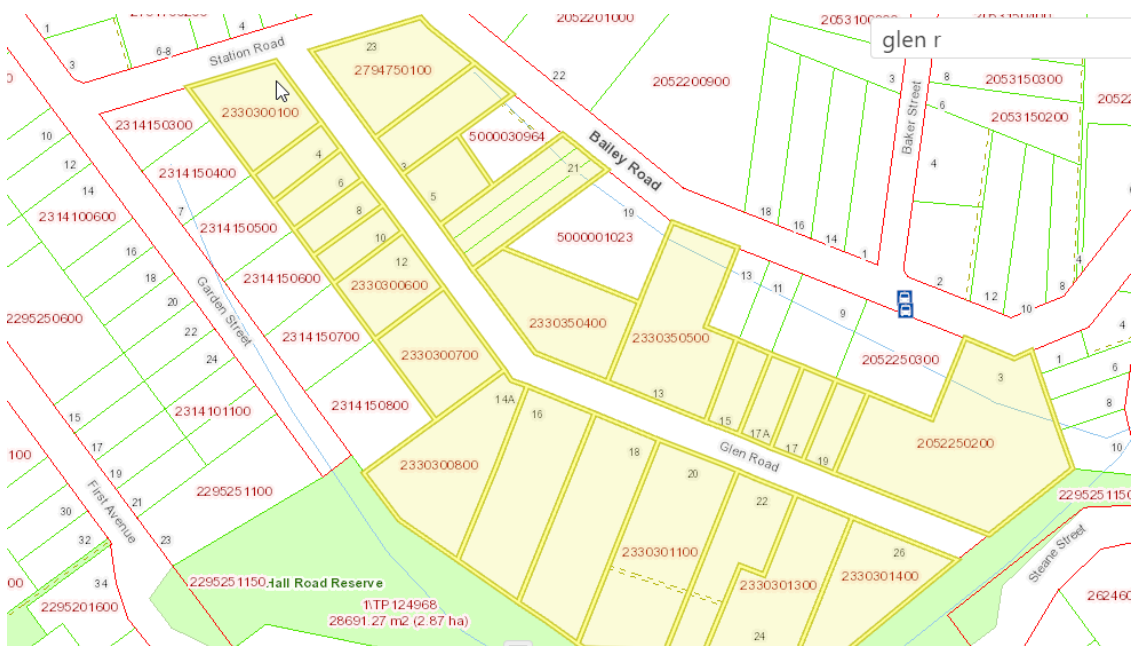
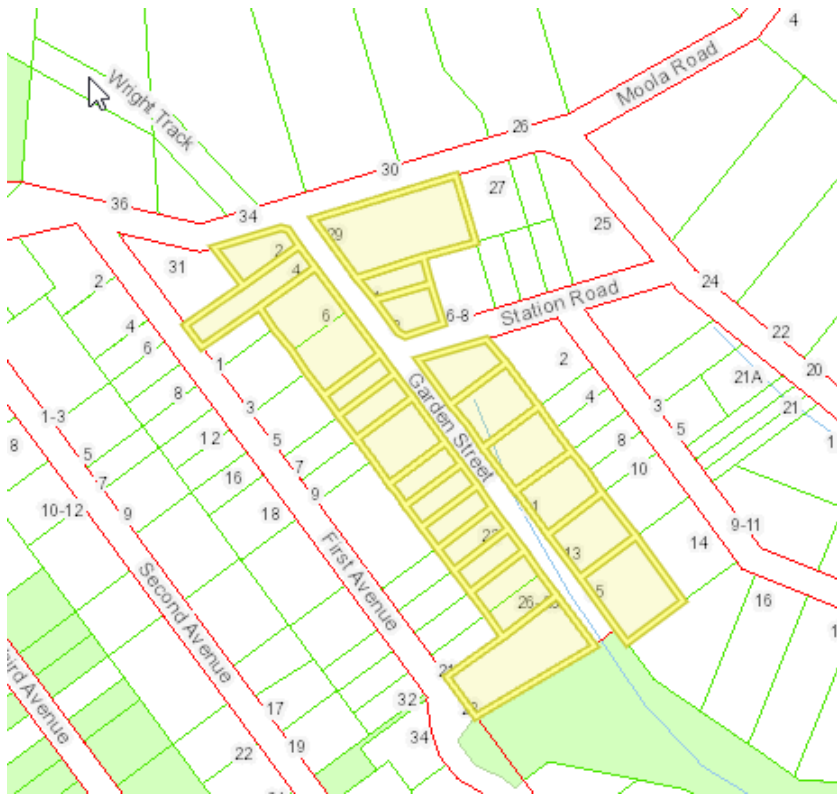
	<b>Stage</b>	<b>Description</b>
✓	<b><i>Survey of Landowners</i></b>	Initial survey of property owners to assist in determining the need, associated issues and level of support for the proposed works and special rate/charge scheme.
✓	<b><i>Approval to prepare scheme</i></b>	Decision made to prepare scheme 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>

Baker, Station, Glen, Garden – Station Catchment









## Baker Street, Station Road, Garden Street and Glen 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 88 properties in the scheme resulting in 87.5 benefit units that gain primary access or abut Baker Street, Station Road, Garden Street and Glen 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 87.5.

### 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.

**Community benefits – TCB**

As Baker Street act as access to the conservation reserve at its eastern end, the traffic demands of this destination are attributed to the needs of the broader community. It is also proposed to construct drainage infrastructure as part of the overall works that will potentially have a broader community benefit.

TCB is therefore calculated as having a result of 26.

**Maximum total levy**

Having regard to “properties not included in the scheme receiving special benefit” and “community benefits”, it is considered that the 88 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 \$1,775,025, (cost of scheme works less 30% for additional traffic generation associated with the Gembrook Cemetery and additional parking and outfall drainage works).

Having regard to the Council’s contribution towards the works, as per the scheme details and Council’s intent to only levy the property owners \$612,500, 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 Baker Street, Station Road, Garden Street, Glen 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:

- 3 Bailey Road – property levied 0.5 benefit unit as primary access to Bailey Road with rear boundary to Garden Street.

- 4 Moola Road – property levied 0.5 of benefit unit as primary access to Moola Road with rear boundary to Baker Street.
- 23 Bailey Road – property levied 0.5 benefit unit as primary access to Bailey Road with side boundary to Station Road and rear boundary to Glen Road.
- 25A Bailey Road – property levied 0.5 benefit unit as primary access to with rear boundary to Station Road.
- 29 Bailey Road – property levied 0.5 benefit unit as primary access to Bailey Road.
- 2 Garden Street – property levied 0.5 benefit unit as primary access to Bailey Road.
- 3 Glen Road – property levied 0.5 benefit unit as primary access to Bailey Road.

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**

**Station Rd, Cockatoo Catchment**

Project Cost Summary:	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)	\$2,535,750
Total Council Contribution	\$1,923,250
Total Landowner Contribution	\$ 612,500.00
Financing Costs	\$53,593.75

Council Cost Summary:	
Council 30% Contribution	\$760,725
Subsidy for costs above FedFund ceiling	\$1,162,525
Total Council Cost	\$1,923,250

Apportionment Summary:	
Unit Ratio =	100
Total Landowner Units =	87.5
Total Council Units =	Nil
\$ / Unit =	20,286
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
L4 LP6808	1 Baker St	2053100100	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 LP65533	2 Baker St	2053102100	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L43A LP6808	3 Baker St	2053100200	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP107240 V9263 F781	4 Baker St	2053150100	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L43 LP6808	5 Baker St	2053100300	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L42 LP6808	6 Baker St	2053150200	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L44 LP6808	7 Baker St	2053100400	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L41 LP6808	8 Baker St	2053150300	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP577049	9 Baker St	2053100500	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP170158;L40 LP6808	10 Baker St	2053150400	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP250640	11 Baker St	2053100600	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L38 LP6808	12 Baker St	2053150500	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L46 LP6808	13 Baker St	2053100700	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP174119	14 Baker St	2053150600	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP94912	15 Baker St	2053100800	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP150697	16 Baker St	2053150700	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP584497 V4365 F939	17 Baker St	2053100900	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L34 LP6808	18 Baker St	2053150800	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L49 P6808	19 Baker St	2053101000	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L16-17&32-33 LP6808	20 Baker St	2053150900	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L50 LP6808 V3959 F699	21 Baker St	2053101100	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L31 LP6808	22 Baker St	2053151000	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP88726	23 Baker St	2053101200	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L29 LP6808	24 Baker St	2053151100	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L52 LP6808	25 Baker St	2053101300	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP153800	26 Baker St	2053151200	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L53 LP6808	27 Baker St	2053101400	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L27 LP6808 V7147 F309	28 Baker St	2053151300	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L54 LP6808	29 Baker St	2053101500	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L26 LP6808	30 Baker St	2053151400	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L55 LP6808	31 Baker St	2053101600	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L25 LP6808	32 Baker St	2053151500	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
L56 LP6808	33 Baker St	2053101700	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP107911 V9298 F378	34 Baker St	2053151600	1	\$ 20,286.00	\$ 7,000.00	\$612.50	\$7,612.50	\$1,087.50

L57 LP6808	35 Baker St	2053101800	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L22 LP6808	36 Baker St	2053151700	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L58 LP6808 V4623 F409	37 Baker St	2053101900	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L59 LP6808 V7194 F618	39 Baker St	2053102000	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP685312	4 Moola Rd	2592250200	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
CP158515	3 Bailey Rd	2052250200	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
L1 TP336086;L1 TP429595;L1 TP623547	21 Bailey Rd	2052250650	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP157387	23 Bailey Rd	2794750100	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
L1 P5531593	25 Bailey Rd	5000008457	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1-2 TP545780	25A Bailey Rd	2052250700	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
CP173497	29 Bailey Rd	2052250900	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
L1 LP70679	1 Garden St	2314150100	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP236649	2 Garden St	2314100100	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75
L2 P70679	3 Garden St	2314150200	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP161825	4 Garden St	2314100200	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP550351	5 Garden St	2314150300	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
PC358396;PC358397	6 Garden St	2314100300	2	\$	40,572.00	\$	14,000.00	\$1,225.00	\$15,225.00	\$2,175.00
L1 TP582889 V9460 F385	7 Garden St	2314150400	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP172515	9 Garden St	2314150500	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP256855	10 Garden St	2314100400	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP171473 V9930 F083	11 Garden St	2314150600	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP339057 V8369 F184	12 Garden St	2314100500	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP172524	13 Garden St	2314150700	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP159421	14 Garden St	2314100600	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
CP171574 V9926 F944	15 Garden St	2314150800	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP592709 V8760 F584	16 Garden St	2314100700	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP210200 V9019 F155	18 Garden St	2314100800	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP595876 V5159 F605	20 Garden St	5000019050	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L158D P5068	22 Garden St	2314100900	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP319619	24 Garden St	2314101000	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50
L1 TP397027;L1 TP559067	26-28 Garden St	2314101100	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50

L1 TP80447	2 Glen Rd	2330300100	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP598875	3 Glen Rd	2330350100	0.5	\$	10,143.00	\$	3,500.00	\$306.25	\$3,806.25	\$543.75			
L178 LP5068	4 Glen Rd	2330300300	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 PS827407	5 Glen Rd	5000030963	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L178 LP5068	6 Glen Rd	2330300200	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP462478	8 Glen Rd	2330300400	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP848353	9-11 Glen Rd	2330350400	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP621219	10 Glen Rd	2330300500	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
PC352631	12 Glen Rd	2330300600	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP155537	13 Glen Rd	2330350500	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP99199	14 Glen Rd	2330300700	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP167412 V9805 F225	14a Glen Rd	2330300800	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP845377	15 Glen Rd	2330350600	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP174814 V10135 F293	16 Glen Rd	2330300900	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP819669	17 Glen Rd	2330350700	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP625318	17A Glen Rd	5000020044	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP173162 V9976 F368	18 Glen Rd	2330301000	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP251728	19 Glen Rd	2330350800	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 PS727472 V11512 F998	20 Glen Rd	2330301100	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L2 PS727472 V11512 F999	22 Glen Rd	2330301200	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L3 PS314729 V10102 F029	24 Glen Rd	2330301300	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP174571 V10036 F337	26 Glen Rd	2330301400	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
L1 TP256883	4 Station Rd	2794700100	1	\$	20,286.00	\$	7,000.00	\$612.50	\$7,612.50	\$1,087.50			
CP157556;L1 TP538232	6-8 Station Rd	2794700200	2	\$	40,572.00	\$	14,000.00	\$1,225.00	\$15,225.00	\$1,631.25			
L1 TP578185 V9728 F395	23 First Ave	2295251100	0	\$	-	\$	-	\$0.00	\$0.00	\$0.00			
<b>Total</b>			<b>87.5</b>	<b>\$</b>	<b>1,775,025.00</b>	<b>\$</b>	<b>612,500.00</b>	<b>\$</b>	<b>53,593.75</b>	<b>\$</b>	<b>666,093.75</b>	<b>\$</b>	<b>94,612.50</b>

Notes

**PROPOSED SPECIAL CHARGE SCHEME DECLARATION****BAKER STREET, STATION ROAD, GARDEN STREET AND GLEN 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 Baker Street, Station Road, Garden Street and Glen 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 \$2,535,750.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$612,500.
- 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 Baker Street, Station Road, Garden Street and Glen Road, Cockatoo**

Notice is hereby given that Cardinia Shire Council (the Council) intends to consider a resolution at its 21 March, 2022 meeting, (or subsequent Council meeting if necessary), to declare a special charge to partially fund the construction of Baker Street, Station Road, Garden Street and Glen Road, Cockatoo. The works will include a sealed road pavement, kerb and channel and associated drainage and incidental works.

The proposed special charge affects properties that are considered to receive a special benefit from the proposed works. 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 and details of the proposed scheme, (including plans and apportionments), may be inspected at Council's Civic Centre, 20 Siding Avenue, Officer during office hours for at least 28 days from the date of this notice.

The estimated cost of the works is \$2,535,750.

The total amount of the special charge proposed to be levied by Council is \$612,500.

The proposed declaration distributes the charges between property owners based on benefit units, with a fixed charge of \$7,000 per benefit unit.

Payment may be made by lump sum or by quarterly instalments over a period of 7 years. The notice requesting payment is intended to be forwarded 6 months after the works reach practical completion.

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

**Submissions**

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.

Pursuant to Section 163B of the Act, a person required to pay the special charge levied by the proposed declaration may also object in writing regarding Council making the proposed declaration.

Submissions and objections must be lodged in writing within 28 days of the publication of this notice and be addressed to the General Manager Infrastructure and Environment, Cardinia Shire Council, 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 regarding the Notice of Intention will be mailed to the owners of the affected properties. If you do not receive this letter within the next few days please contact Special Charge Scheme Officer, Ken White, on 1300 787624.