

6.2.2 Sealing the Hills - Old Gembrook Road, Emerald 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 Old Gembrook Road, Durban Road and Sherriff Road, Emerald, (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 Old Gembrook Road, Durban Road and Sherriff Road, Emerald.
5. Consider the declaration (attachment 5) at its meeting of 16th May, 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 Template 5 Process Notice of Decision Check list [6.2.2.1 - 2 pages]
2. Old Gembrook Rd catchment plan [6.2.2.2 - 1 page]
3. SCS Benefit Unit Calculation Old Gembrook Rd catchment [6.2.2.3 - 3 pages]
4. SCS Apportionment - Old Gembrook Rd catchment [6.2.2.4 - 1 page]
5. SCS Declaration Notice Old Gembrook Road catchment [6.2.2.5 - 2 pages]
6. SCS Public Notice Old Gembrook Rd catchment [6.2.2.6 - 2 pages]

Executive Summary

This report proposes giving 'notice of intention to declare' a special charge to part fund the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald. 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 Old Gembrook Road, Emerald 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 86% 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 \$2,390,000 of which \$378,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$2,012,000 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 Old Gembrook Road, Emerald catchment that includes Old Gembrook Road, Durban Road and Sherriff 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 55), 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 fifty five properties surveyed Council received thirty six, (36), responses, (or 65%). Thirty one, (86%), of these responses indicated support to contributing to the scheme, while five, (14%), indicated opposition. Support for the scheme was consistent across all three roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Old Gembrook Road, Durban Road and Sherriff Road.

Council received feed back from the owner of 11 Sherriff Road requesting that the road construction be extended across his full property frontage to service an existing second driveway. Following an assessment of this request it was determined that this would require

the unnecessary and costly removal of a number of trees. A decision has been made to retain the trees and to offer the construction of a driveway width access to service the second driveway location. In turn the landowner contribution to the scheme will be reduced to a half benefit unit.

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 November of last year to the landowners of Old Gembrook Road, Durban Road and Sherriff 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 December 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 36 questionnaire responses from the 55 included properties were received.

Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,390,000
Total Council Contribution (84%)	\$2,012,000
Benefitting Landowner Contribution (16%)	\$378,000

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.

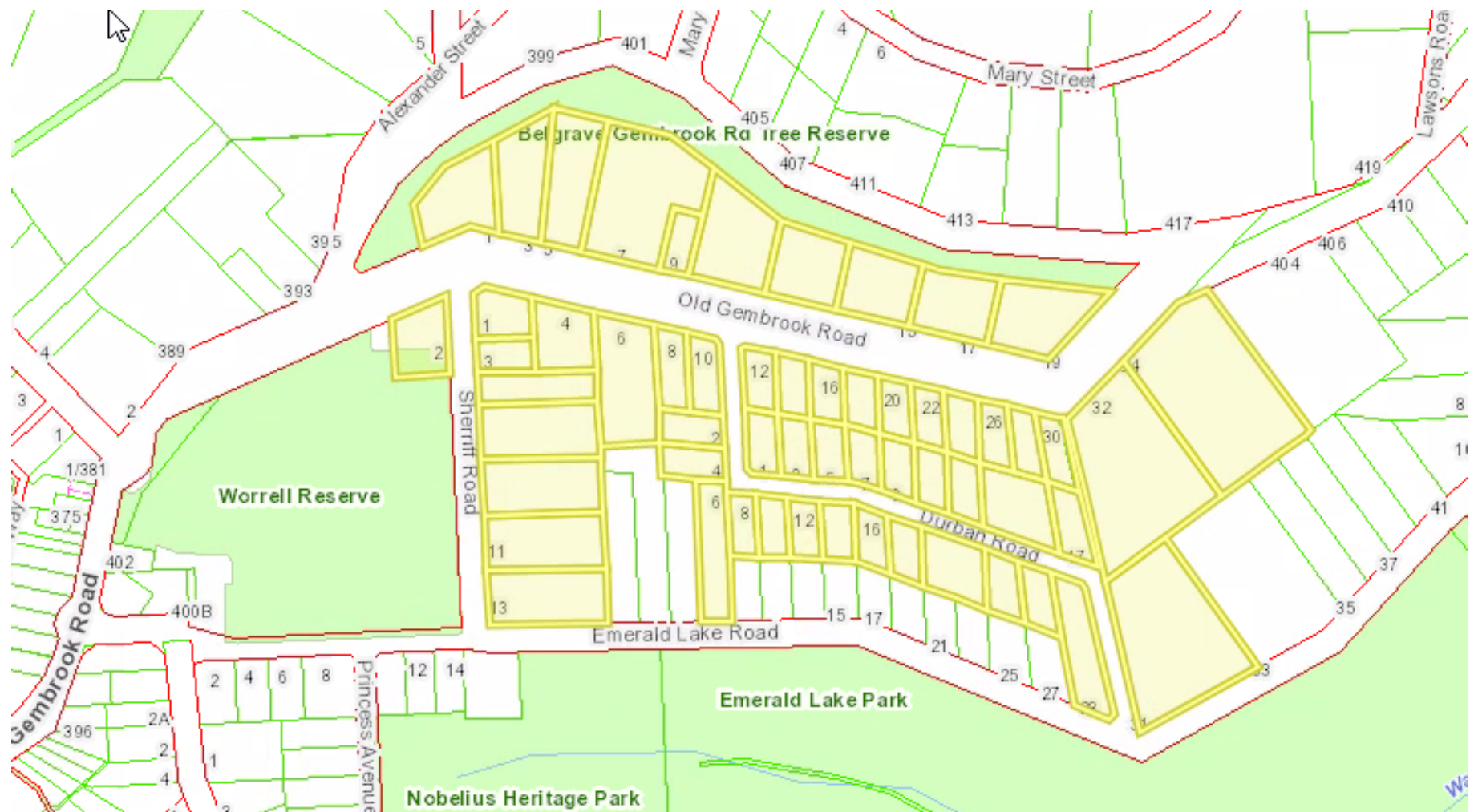
Conclusion

It is concluded that the majority of property owners support the construction of Old Gembrook Road, Durban Road and Sherriff Road, Emerald 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)**

	Stage	Description
✓	<i>Survey of Landowners</i>	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.
✓	<i>Approval to prepare scheme</i>	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
✓	<i>Intention to Declare Scheme</i>	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.
	<i>Advertisement and Notification</i>	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.
	<i>Submissions</i>	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.
	<i>Submissions Review Panel Hearing</i>	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.
	<i>Abandonment of scheme</i>	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.
	<i>Declaration Report</i>	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.
	<i>Appeal</i>	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

		and determined by the Tribunal and this process generally takes four to six months. Decisions made by VCAT are binding on all parties.
	<i>Construction</i>	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.
	<i>Final Cost Report</i>	At the completion of the works the scheme is "finalised" and a report presented to Council.



Old Gembrook Road, Durban Road and Sherriff Road, Emerald

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 55 properties in the scheme resulting in 54 benefit units that gain primary access or abut Old Gembrook Road, Durban Road and Sherriff Road, Emerald. 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 54.

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

The total community benefit is Council's contribution to the cost of the scheme, which is calculated at 30% of the total number of benefits units in the scheme. Council's contribution will provide for the through traffic using Old Gembrook Road and additional traffic generated by the Worrall Reserve and the SES facility. 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 16.2

Maximum total levy

Having regard to "properties not included in the scheme receiving special benefit" and "community benefits", it is considered that the 55 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 \$1,673,000, (cost of scheme works less 30% for additional traffic generation associated with the through traffic using Old Gembrook Road, additional traffic generated by the Worrall Reserve and SES facility, together with 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 \$378,000, 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 Burton Road, Morris Road and Young Street. 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:

- 31 Emerald Lake Road – property levied 0.5 benefit unit as primary access taken from Emerald Lake Road with side boundary to Durban Road.
- 11 Sherriff Road – property levied 0.5 benefit unit as construction of Sherriff Road will not extend across property frontage with driveway access only to both existing access points.

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 - Old Gembrook, Emerald Catchment

Road - Old Gembrook Road, Durban Road and Sherriff Road, Emerald

PROJECT COST SUMMARY	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)	\$2,390,000.00
Total Council Contribution	\$2,012,000.00
Total Landowner Contribution	\$378,000.00
Financing Costs	\$33,075.00

COUNCIL COST SUMMARY	
Council 30% Contribution	\$717,000.00
Subsidy for costs above FedFund ceiling	\$1,295,000.00
Total Council Cost	\$2,012,000.00

APPORTIONMENT SUMMARY	
Unit Ratio =	100
Total Landowner Units =	54
Total Council Units =	Nil
\$ / Unit =	\$30,981.48
FedFund Ceiling \$/ Unit =	\$7,000.00

DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
L44 LP43153	1 Durban Rd	2250200100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L40 LP43153	2 Durban Rd	2250250100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP100357	3 Durban Rd	2250200200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L19 LP43563	4 Durban Rd	2250250200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L25 LP43563 V8343 F738	5 Durban Rd	2250200300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP194164	6 Durban Rd	2250250300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 LP43563	7 Durban Rd	2250200400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L17 LP43563	8 Durban Rd	2250250400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L41 LP43153	9 Durban Rd	2250200500	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L18 LP43563	10 Durban Rd	2250250500	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L14 LP43563 V8444 F450	11 Durban Rd	2250200600	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L22 LP43563	12 Durban Rd	2250250600	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L16 LP43563	13 Durban Rd	2250200700	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP43563	14 Durban Rd	2250250700	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L24 LP43563	15 Durban Rd	2250200800	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L13 LP43563	16 Durban Rd	2250250800	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L23 LP43563	17 Durban Rd	2250200900	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP43563	18 Durban Rd	2250250900	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 LP43563	20 Durban Rd	2250251000	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L21 LP43563 V9010 F759	24 Durban Rd	2250251100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L20 P43563	26 Durban Rd	5000030487	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
PC357345 V10374 F916	28 Durban Rd	2250251300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP92491	1 Sherriff Rd	2648050100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 LP92491	3 Sherriff Rd	2767700100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 LP86386	5 Sherriff Rd	2767700200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP121180	7 Sherriff Rd	2767700300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L8 LP13262	9 Sherriff Rd	2767700400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L7 LP13262	11 Sherriff Rd	2767700500	0.5	\$ 15,490.74	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L1 LP119304	1 Old Gembrook Rd	2648000100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP119304	3 Old Gembrook Rd	2648000200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP86386	4 Old Gembrook Rd	2648050200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 LP119304	5 Old Gembrook Rd	2648000300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 P5441581	6 Old Gembrook Rd	2648050300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP119304	7 Old Gembrook Rd	2648000400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP43563	8 Old Gembrook Rd	2648050400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP77813 V8684 F005	9 Old Gembrook Rd	2648000500	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP152951	10 Old Gembrook Rd	2648050500	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 LP119304	11 Old Gembrook Rd	2648000600	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L15 LP43563	12 Old Gembrook Rd	2648050600	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP119304 V9186 F538	13 Old Gembrook Rd	2648000700	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L7 LP43563	14 Old Gembrook Rd	2648050700	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L7 LP119304	15 Old Gembrook Rd	2648000800	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L8 LP43563	16 Old Gembrook Rd	2648050800	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L8 LP119304	17 Old Gembrook Rd	2648000900	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L9 LP43563	18 Old Gembrook Rd	2648050900	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L9 LP119304	19 Old Gembrook Rd	2648001000	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L10 LP43563	20 Old Gembrook Rd	2648051000	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L11 LP43563	22 Old Gembrook Rd	2648051100	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L12 LP43563	24 Old Gembrook Rd	2648051200	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L47 LP43153	26 Old Gembrook Rd	2648051300	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L46 LP43153	28 Old Gembrook Rd	2648051400	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L45 LP43153 V8357 F706; L1 TP5703 V10	30 Old Gembrook Rd	2648051500	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L15 LP13262	32 Old Gembrook Rd	2648051600	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L16 LP13262	34 Old Gembrook Rd	2648051700	1	\$ 30,981.48	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L36 LP13262	31 Emerald Lake Rd	2270001400	0.5	\$ 15,490.74	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75

Total	54	\$ 1,673,000.00	\$ 378,000.00	\$ 33,075.00	\$ 411,075.00	\$ 58,725.00
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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

PROPOSED SPECIAL CHARGE SCHEME DECLARATION

OLD GEMBROOK ROAD, DURBAN ROAD AND SHERRIFF ROAD, EMERALD

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 Old Gembrook Road, Durban Road and Sherriff Road, Emerald 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 \$2,390,000.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$378,000.
- 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 Old Gembrook Road, Durban Road and Sherriff Road, Emerald**

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 Old Gembrook Road, Durban Road and Sherriff Road, Emerald. 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 \$2,390,000.

The total amount of the special charge proposed to be levied by Council is \$378,000.

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 Councils Special Charge Scheme Officer, Donna Bird, on 1300 787624.