

## 6 Ordinary Business

### 6.1 Town Planning Reports

### 6.2 General Reports

## 6.2.1 Notice of Intention - Sealing the Hills - Naughton Street (Cockatoo) Catchment - Special Charge Scheme

**Responsible GM:** Peter Benazic  
**Author:** Nicole Alvares

### Recommendation(s)

That Council:

1. Acknowledge the majority property owner support as set out in this report to contribute to the construction of Naughton Street and Carawa Street, 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 Naughton Street and Carawa Street, Cockatoo.
5. Consider the declaration (attachment 5) at its meeting of 20 June 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. Scheme process chart [6.2.1.1 - 1 page]
2. Plan of scheme area [6.2.1.2 - 1 page]
3. Benefit ratio calculation [6.2.1.3 - 3 pages]
4. Apportionment table [6.2.1.4 - 2 pages]
5. Proposed Council declaration [6.2.1.5 - 2 pages]
6. Public Notice [6.2.1.6 - 1 page]

### Executive Summary

This report proposes giving *notice of intention to declare* a special charge to part fund the construction of Naughton Street and Carawa Street, 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 Naughton Street, Cockatoo catchment is included in the Australian Government funded Sealing the Hills program. A recent survey of the property owners in the indicated roads in this catchment indicated 94% property owner support to contributing to a scheme from the responses received. Included property owners 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 \$1,930,000 of which \$388,500 is proposed to be funded via the proposed special charge contribution received from the included property owners. This will leave an approximate balance of \$1,541,500 to be funded from the Australian Government grant.

Property owner contributions have been assessed based on 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 7-year payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

## Background

The Naughton Street, Cockatoo catchment that includes Naughton Street and Carawa Street, Cockatoo 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 52), 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 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.

**Table 1. Questionnaire responses**

	Number	Percentage
Total no. properties in scheme	52	100%
No. of responses received	18	35%
No. of responses supporting the scheme	17	94%
No. of responses opposing the scheme	1	6%

Given the small percentage of survey responses received, additional steps have been taken to gather more responses from the property owners that have not previously responded through courtesy text messages and mail.

Support for the scheme was consistent across all roads surveyed. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction of Naughton Street and Carawa Street, Cockatoo.

### **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 property owner 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 measures 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 mid-January 2022 to the property owners of Naughton Street and Carawa Street, Cockatoo outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. As a consequence 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 team and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

Early February 2022, a questionnaire was mailed to property owners 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 17 questionnaire responses from 52 included properties were received.

### **Financial and Resource Implications**

The scheme funding arrangements are as outlined in Table 2.

**Table 2. Preliminary estimated cost of project**

Total estimated cost of scheme	\$1,930,000
Total Council contribution (approx. 80%)	\$1,541,500
Benefiting property owner contribution (approx. 20%)	\$388,500

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

The Australian Government \$150m grant will be used to fund Council's contribution.

Property owners will be offered the option of paying their contribution in full, or by quarterly instalments over 7-years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Council's borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment to be made within 6-months of the practical completion of the works.

### **Conclusion**

It is concluded that the majority of property owners support the construction of Naughton Street and Carawa Street, 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 checklist



### Special charge scheme projects (Section 163 Local Government Act)

Complete	Stage	Description
✓	Survey of landowners	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.
✓	Approval to prepare scheme	Decision made to prepare scheme or to shelve project following consideration of the survey of property owners and feedback from the community. <ul style="list-style-type: none"> <li>• 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.</li> <li>• If a decision is made that the scheme should not proceed based on resident and community feedback, the affected residents are advised accordingly</li> </ul>
✓	Intention to declare scheme	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.
✗	Advertisement and notification	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 indicate Council's intention to <i>declare</i> 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.
✗	Submissions	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.
✗	Submissions review panel hearing	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.
✗	Abandonment of scheme	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.
✗	Declaration report	Alternatively, the panel may recommend to Council that the scheme proceed. After considering the panel's report, Council may proceed to <i>declare</i> the charges in accordance with its advertised intent. <ul style="list-style-type: none"> <li>• After this the Finance Manager issues the levy notices and there is a formal charge placed on the property.</li> <li>• This is the final step in the process for Council to make a decision on the scheme</li> </ul>
✗	Appeal	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.
✗	Construction	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 provide for those facing financial difficulty.
✗	Final cost report	At the completion of the works the scheme is <i>finalised</i> and a report presented to Council.

NAUGHTON CATCHMENT – PROPERTIES INCLUDED

CARAWA STREET, NAUGHTON STREET - COCKATOO 3781



Cardinia Shire Council  
ABN: 32 210 906 807  
20 Siding Ave, Officer

PO Box 7  
Pakenham 3810  
(DX 81006)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au)



## Calculation of special benefit and maximum total levy

### Naughton Street and Carawa Street, Cockatoo

In accordance with Section 163(2) of the *Local Government Act 2020* 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:

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

**TSB (in):** estimated total special benefit for those properties that Council proposes to include in the scheme.

**TSB (out):** estimated total special benefit for those properties with an identified special benefit that the Council does not propose to include in the scheme.

**TCB:** estimated total community benefit.

**R** ratio benefit.

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

It is proposed to include 52 properties in the scheme resulting in 55.5 benefit units that gain primary access or abut Naughton Street and Carawa Street, 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.

Total scheme benefits (in) is: 55.5.

#### **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.

Total scheme benefit (out) is: 0.

**Total community benefit (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. The traffic generation in the area 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.

Total community benefit (TCB) is 16.6.

**Maximum total levy**

Having regard to *properties not included in the scheme receiving special benefit and community benefits*, it is considered that the 52 property owners within the proposed special charge scheme will receive 70% of the overall benefit as a benefit ratio (R) for the proposed scheme by applying the above factors to the ministerial guideline's formula.

The calculation of the maximum total levy therefore equates to \$1,351,000. This is the total cost of the scheme less Council's contribution of 30% (as stated above in the total community benefit)

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 \$388,500, 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 considered 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 Naughton Street and Carawa 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.



**Table 1. Properties in scheme NOT allocated 1 benefit unit and reason**

Address	Benefit Unit allocated	Reason
1 Cullen Place, Cockatoo, VIC 3781	1/2 unit	property levied 0.5 benefit unit as primary access on Cullen Place which is fully constructed
2 Cullen Place, Cockatoo, VIC 3781	1/2 unit	property levied 0.5 benefit unit as primary access on Cullen Place which is fully constructed
5 Cullen Place, Cockatoo, VIC 3781	1/2 unit	property levied 0.5 benefit unit as primary access on Cullen Place which is fully constructed
1 Mountain Road, Cockatoo, VIC 3781	5 units	property levied 5 benefit units as property has 4 existing titles and, Lot 32 LP7422 can potentially be further subdivided into two.
120-122 Woori Yallock Rd, Cockatoo, VIC 3781	2 units	property levied 2 benefit units as currently in the process of being subdivided into 2 lots, both capable of being sold and built on.

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**  
**Naughton Street, Carawa Street - Cockatoo Catchment**

PROJECT COST SUMMARY	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)	\$1,930,000.00
Total Council Contribution	\$1,541,500.00
Total Landowner Contribution	\$388,500.00
Financing Costs	\$33,993.75

COUNCIL COST SUMMARY	
Council 30% Contribution	\$579,000.00
Subsidy for costs above FedFund ceiling	\$962,500.00
Total Council Cost	\$1,541,500.00

APPORTIONMENT SUMMARY	
Unit Ratio =	100
Total Landowner Units =	55.5
Total Council Units =	Nil
\$ / Unit =	\$24,342.34
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
L2 PS815634 V12007 F891	1 Carawa St	5000025773	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 PS815634 V12007 F890	1A Carawa St	5000025772	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 PS702104 V11488 F701	2 Carawa St	5000016137	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L13 LP7422	3 Carawa St	2158450100	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 PS702104 V11488 F702	4 Carawa St	5000016138	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L14 LP7422	5 Carawa St	5000021804	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 PS315718 V10373 F017	6 Carawa St	2158400050	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L15 LP7422	7 Carawa St	2158450200	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 PS744006	8 Carawa St	5000024274	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L16 LP7422	9 Carawa St	2158450300	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L7 LP7422 V4673 F487	10 Carawa St	2158400070	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 PS730760 V11969 F462	11 Carawa St	5000024976	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L18 LP7422	13 Carawa St	2158450500	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP113266	14 Carawa St	2158400100	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L19 LP7422	15 Carawa St	2158450600	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L20 LP7422	17 Carawa St	2158450700	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 PS300449	18 Carawa St	2158400200	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L21 LP7422	19 Carawa St	2158450800	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP154666	20-22 Carawa St	2158400300	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L22 LP7422 V8795 F404	21 Carawa St	2158450900	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L23 LP7422	23 Carawa St	2158451000	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 LP122383 V9239 F185	24 Carawa St	2158400400	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 PS319822	26 Carawa St	2158400450	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP113482	28 Carawa St	2158400500	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 PS838857 V12337 F836	1 Cullen Pl	5000032180	0.5	\$ 12,171	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L1 PS838857 V12337 F833	2 Cullen Pl	5000032176	0.5	\$ 12,171	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75

L4 PS838857 V12337 F837	5 Cullen Pl	5000032179	0.5	\$ 12,171	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L31-34 LP7422;L1 PS317591	1 Mountain Rd	2601250200	5	\$ 121,712	\$ 35,000.00	\$ 3,062.50	\$ 38,062.50	\$ 5,437.50
L1 LP53881	1 Naughton St	2621000100	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 PS730760 V11969 F463	1A Naughton St	5000024977	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP579227	2 Naughton St	2621050100	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP115679	3 Naughton St	2621000200	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP166790 V9227 F964	4 Naughton St	2621050200	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 LP53881	5 Naughton St	2621000300	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP168591	6 Naughton St	2621050300	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 P53881	7 Naughton St	2621000400	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 LP53881	9 Naughton St	2621000500	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP53881	11 Naughton St	2621000600	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 PS541721 V10968 F140	12 Naughton St	2621050500	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP87465	13 Naughton St	2621000700	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP166803	14 Naughton St	2621050600	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L8 LP53881	15 Naughton St	2621000800	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP166802	16 Naughton St	2621050700	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L9 LP53881 V8479 F672	17 Naughton St	2621000900	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L10 LP53881 V8444 F600	19 Naughton St	2621001000	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L11 LP53881	21 Naughton St	2621001100	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L12 LP53881	23 Naughton St	5000004754	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 PS815634 V12007 F892	25 Naughton St	5000025774	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP7422	108 Woori Yallock Rd	2936952800	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 P113266 CA PT127A GEM	110 Woori Yallock Rd	2936952900	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP7422	112 Woori Yallock Rd	2936953000	1	\$ 24,342	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L11 LP7422	120-122 Woori Yallock Rd	2936953400	2	\$ 48,685	\$ 14,000.00	\$ 1,225.00	\$ 15,225.00	\$ 2,175.00
<b>Total</b>			<b>55.5</b>	<b>\$ 1,351,000.00</b>	<b>\$ 388,500.00</b>	<b>\$ 33,993.75</b>	<b>\$ 422,493.75</b>	<b>\$ 60,356.25</b>

<b>Notes</b>
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

Naughton Street and Carawa Street, Cockatoo

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

1. A special charge is declared for a period until the works have been completed and the scheme finalised.
2. The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Naughton Street and Carawa Street, 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).
3. 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.
4. The following be specified as the area for which the special charge is declared:
  - a. All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
5. The following be specified as the land in relation to which the special charge is declared:
  - a. All properties described in attachment 4 of this declaration.
6. The following be specified as the criteria which form the basis of the special charge so declared:
  - a. Those properties fronting, abutting or adjacent to the works.
7. The following be specified as the manner in which the special charge so declared will be assessed and levied:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.
  - e. 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.
8. The total cost of the works is the amount shown in attachment 4 of this report estimated at \$1,930,000.
9. The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$ 388,500.
10. 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:
  - a. 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;
  - b. Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
    - i. 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.
    - ii. 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).
11. 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 scheme to partially fund the construction of Naughton Street and Carawa Street, Cockatoo

Notice is hereby given that Cardinia Shire Council (the Council) intends to consider a resolution at its Monday, 20 June 2022 meeting, (or subsequent Council meeting if necessary), to declare a special charge to partially fund the construction of Naughton Street and Carawa Street, 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 \$1,930,000.

The total amount of the special charge proposed to be levied by Council is \$388,500.

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, Nicole Alvares on 1300 787 624.