

Public Notice Of Intention To Declare A Special Charge For The Purpose Of Constructing And Improving Roads And Drainage In Surf Beach and Sunderland Bay Estates



In accordance with a resolution of the Bass Coast Shire Council (Council) made at the 16 August 2023 Council Meeting, notice is given that at the 13 December 2023 Council Meeting, Council proposes to declare a Special Charge (Special Charge) under section 163(1) of the Local Government Act 1989 (as amended by section 6 of the Local Government Legislation Amendment (Rating and Other Matters) 2022) (Act), and otherwise according to law and having, so far as can be reasonably ascertained from available records of the Council and can reasonably be concluded, ascertained that the roads or any component of the roads for which it is proposed the Special Charge will be declared has not previously been constructed by way of a special rate or charge, for the purpose of defraying costs and expenses incurred and/or to be incurred by Council in relation to the construction and improvement of roads and drainage in the Surf Beach and Sunderland Bay Estates situated within the municipal district of the Council (Estate), such works involving the full upgrade of roads and drainage, including the provision of road pavement and sealing works, the provision of underground surface and storm water drainage in the Estate's roads, the provision of kerb and channelling, nature strip works, road narrowings for local traffic management and pedestrian pathways on selected streets and other ancillary works necessary to complete the construction of the project known as the 'Surf Beach and Sunderland Bay Special Charge Scheme Number 66' otherwise in accordance with the concept plans approved by Council at the 15 March 2023 Council Meeting (Roads or Scheme).

The criteria which form the basis of the Special Charge are the ownership of rateable land in the Scheme area based on equally sharing the costs of some portions, front or side boundaries of the properties in the Scheme (modified where appropriate) for some portions and the area of the properties in the scheme (discounted where appropriate) for some portions which abut the roads to be constructed or upgraded and which rateable land is situated within the geographical area in which the properties described in paragraphs 8 and 9 of the proposed declaration are included.

Council considers that each rateable property included in the Scheme area that is liable or required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads, drainage and property services and there will be a special benefit to the persons liable or required to pay the Special Charge because there will be a benefit over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge and, directly and indirectly, the works to be provided will enhance or maintain the value and the use, occupation and enjoyment of the properties included in the Scheme, through the provision of proper, safe and suitable roads and drainage.

In proposing the declaration of the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Council, in particular the provision of proper, safe and suitable roads, drainage and property services in the area for which it is proposed the Special Charge will be declared.

The total cost of the performance of the functions and the exercise of the powers referable to the Scheme (and the amount which the Council intends to declare and levy) is an amount of \$33,340,822 (being the estimated cost of the Scheme works to be undertaken) with Council intending to declare and levy by way of the Special Charges an amount of \$26,665,989, but excluding other related costs (which will be borne solely

by Council) totalling \$1,709,150 as described below:
(a) the contribution from Council towards footpaths \$375,739);
(b) the cost for Council to upgrade Sunderland Bay Road (\$688,931);
(c) the cost for Council to install water sensitive urban design swales within the Estate (\$293,456); and
(d) the cost for Council to seal beach carparks (\$351,024)
The Special Charge will commence on and from the making of any Council decision to declare the Special Charge and will remain in force until such time as the Special Charge has been paid in full.

The Special Charge will be declared and assessed in accordance with the amounts which have been calculated and appear alongside each property in the schedule attached to and forming a part of this proposed declaration of Special Charge (being Schedule 2) such amounts having respectively been calculated based on both a road component cost and a drainage component cost as referable to the length of the frontage and/or sideage of each property included in the Scheme (for the road component) and the area of each property included in the Scheme (for the drainage component).

The Special Charge will be levied by the Council sending a notice of levy to the persons who are liable to pay the Special Charge. The levy notice to be sent will include three options for payment which are as follows –
(a) Payment Option 1: Lump Sum Non-Discounted Payment – payment of the Special Charge in full within 90 days (with no discount);
(b) Payment Option 2: Instalment Payment Plan – payment of the Special Charge in 40 quarterly instalments over 10 years, with interest pursuant to the Act; and
(c) Payment Option 3: Instalment Payment Plan – payment of the Special Charge in 80 quarterly instalments over 20 years, with interest pursuant to the Act. This option is subject to the property owner being deemed for financial hardship by Council in accordance with the Council Financial Hardship Policy. Ratepayers who elect to pay by instalments will receive subsequent quarterly instalment notices. Because the performance of the functions and exercise of the powers in respect of which the Special Charge is to be declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being available to ratepayers (being the 'Payment Option 2 Instalment Payment Plan') which plan will allow ratepayers to pay the Special Charge by 40 quarterly instalments over a 10 year period or as otherwise negotiated. Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Roads and the provision of the drainage works by more than 1%. The Council will consider cases of financial and other hardship and reconsider other payment options for the Special Charge.

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, the Council considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act (and in accordance with the Benefit Ratio Statement adopted by Council) that the estimated proportion of the total benefits of the Scheme to which the performance of the functions and exercise of powers relate (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 0.7998 or 79.98%. This is on the

basis that, in the opinion of the Council, there are properties in the Scheme area which receive a special benefit, but which are not required to pay the Special Charge and there are some (but otherwise in the opinion of Council very limited) clear, tangible and direct broader community benefits arising from the works to be performed under the Scheme.

Any declaration of the Special Charge will expire if the Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration to which the Special Charge relates is made. Copies of the proposed declaration of Special Charge and a detailed plan of the Scheme area, including a listing of the rateable properties included in the Scheme and the amount of the Special Charge payable by each property included in the Scheme are available for inspection at the offices of the Bass Coast Shire Council, 76 McBride Avenue, Wonthaggi during normal business hours for a period of at least 28 days after the publication of this notice and on the internet website of Council.

Any person may make a written submission to the Council under sections 163A and 223 of the Act. In addition, any person who will be required to pay the Special Charge to be imposed by the proposed declaration has a right to object to the proposed declaration and may also make a written objection to the Council under section 163B of the Act. Written submissions to be submitted to the Council under section 223 of the Act and/or written objections to be lodged with the Council under section 163B of the Act must be received by the Council by 5pm on 11 October 2023. Submissions and/or objections must be in writing and addressed and sent by mail to the Chief Executive Officer, Bass Coast Shire Council, PO Box 118, Wonthaggi VIC 3995.

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

Any person making a written submission under section 223 of the Act is advised that the Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the Act. Accordingly, all submissions and personal information in submissions will be handled as authorised or required by law, including under the Privacy and Data Protection Act 2014. Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact Council's Recreation and Transport Team on 1300 BCOAST (226 278) or (03) 5671 2211 or email sunderlandbayandsurfbeachupgrade@basscoast.vic.gov.au

Greg Box
Acting Chief Executive Officer

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The criteria which form the basis of the Special Charge are the ownership of rateable land in the Scheme area based on equally sharing the costs of some portions, front or side boundaries of the properties in the Scheme (modified where appropriate) for some portions and the area of the properties in the scheme (discounted where appropriate) for some portions which about the roads to be constructed or upgraded and which rateable land is situated within the geographical area in which the properties described in paragraphs 8 and 9 of the proposed declaration are included.

Council considers that each rateable property included in the Scheme area that is liable or required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads, drainage and property services and there will be a special benefit to the persons liable or required to pay the Special Charge because there will be a benefit over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge and, directly or indirectly, the works to be provided will enhance or maintain the value and the use, occupation and enjoyment of the properties included in the Scheme, through the provision of proper, safe and suitable roads and drainage.

In proposing the declaration of the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Council, in particular the provision of proper, safe and suitable roads, drainage and property services in the area for which it is proposed the Special Charge will be declared.

The total cost of the performance of the functions and the exercise of the powers referable to the Scheme (and the amount which the Council intends to declare and levy) is an amount of \$33,340,822 (being the estimated cost of the Scheme works to be undertaken) with Council intending to declare and levy by way of the Special Charges an amount of \$26,665,989, but excluding other related costs (which will be borne solely

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Greg Box
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Bass Coast Shire Council, 76 McBride Avenue, Wonthaggi | DX 34903 | Wonthaggi PO Box 118, Wonthaggi VIC 3995 | 1300 BCOAST (226 278) or (03) 5671 2211 or via the National Relay Service (for people with speech or hearing difficulties) on 13 36 77 | basscoast@basscoast.vic.gov.au | www.basscoast.vic.gov.au

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