



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale

Tuesday 1 March 2022, commencing at 3:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors and Councillors ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 15 February 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 February 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

5. ACCEPTANCE OF LATE AND URGENT ITEMS

6. NOTICE/S OF MOTION

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. DELEGATES REPORT

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 7 February 2022 to 20 February 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 7 February 2022 to 20 February 2022.

BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 7 February 2022 to 20 February 2022.

ATTACHMENTS

1. Assembly of Councillors - SLUPP - 8 February 2022 [11.1.1 - 1 page]
2. Assembly of Councillors - Council Day - 15 February 2022 [11.1.2 - 2 pages]

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 7 February 2022 to 20 February 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ASSEMBLY OF COUNCILLORS – 8 FEBRUARY 2022

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)						
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.	Conflict of Interest
	Cr Ian Bye	Yes	No	D Morcom, CEO	No		
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No		
	Cr Marcus McKenzie	No		J Foat, GMC&C	No		
	Cr Gayle Maher	No	No	C Hastie, GMB&NE	Yes	All	No
	Cr Carmel Ripper	No		B McAlister, GMD	Yes	All	No
	Cr Scott Rossetti	No					
	Cr Garry Stephens	Yes					
	Cr John Tatterson	Yes	No				
	Cr Jill Wood	No					
OTHERS IN ATTENDANCE (NAME AND POSITION)			CONFLICT OF INTEREST	MATTERS/ITEMS CONSIDERED AT THE MEETING			
Josh Clydesdale (Manager Land Use Planning)			No	Meeting Agenda –			
Lucy Spooner (Coordinator Infrastructure Planning)			No	Strategic Planning Priorities			
Barry Hearsey (Coordinator Strategic Planning)			Yes	Incoming Correspondence			
Caragh Button (Strategic Planner)			No	Rezoning Requests			
Alex Duncan (Strategic Planner)			No	Other Business			
Sam Pye (Manager Built Environment)			No				

ASSEMBLY OF COUNCILLORS – 15 FEBRUARY 2022 (VIA MS TEAMS)

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Stephens	Yes	N/A
	Cr Crossley	Yes	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood	Yes	N/A
	Cr Maher (<i>leave</i>)	No	David Morcom, CEO	Yes	N/A
	Cr Ripper	Yes	Viktoria Pope, EA CEO	Yes	N/A
	Cr Rossetti	Yes	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Tatterson	Yes	N/A
	Cr Crossley	Yes	Cr Wood	Yes	N/A
	Cr McKenzie	Yes	David Morcom, CEO	Yes	N/A
	Cr Maher (<i>leave</i>)	No	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr Ripper	Yes	Julie Foat, GM Community & Culture	Yes	N/A
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Stephens	Yes	Brent McAlister, GM Development	Yes	N/A

Workshops (cont.)	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
	1. DECEMBER 2021 QUARTERLY PERFORMANCE REPORT, 2021/22 FINANCIAL REVIEW AND 2022/23 BUDGET UPDATE	<ul style="list-style-type: none"> Ian Carroll, Manager Corporate Finance <i>Conflict of Interest: Nil</i>
	2. 2022/23 FEES AND CHARGES REVIEW	<ul style="list-style-type: none"> Ian Carroll, Manager Corporate Finance <i>Conflict of Interest: Nil</i>
	3. 2022/23 CAPITAL PROGRAM	<ul style="list-style-type: none"> Dean Morahan, Manager Assets and Projects <i>Conflict of Interest: Nil</i>
	4. UPDATE ON TRANSITION IN THE LATROBE VALLEY	<ul style="list-style-type: none"> Chris Buckingham, CEO – Latrobe Valley Authority (external) Michael Timpano, Department of Jobs, Precincts and Regions (external) Andrew Waller, Department of Jobs, Precincts and Regions (external) <i>Conflict of Interest: Nil</i>
	5. HOME AND COMMUNITY CARE FUNDING AND EARLY YEARS UPDATE	<ul style="list-style-type: none"> Julie Foat, General Manager Community and Culture Catherine Vassiliou, Acting Manager Communities, Facilities and Emergencies <i>Conflict of Interest: Nil</i>
	6. MEDIA UPDATE	<ul style="list-style-type: none"> Wendy Reeves, Coordinator Communications and Media <i>Conflict of Interest: Nil</i>
	7. COMMUNITY GRANT PROGRAM INTERNAL REVIEW RECOMMENDATIONS	<ul style="list-style-type: none"> Sharon Macgowan, Community Facilities Planning & Grants Officer <i>Conflict of Interest: Nil</i>
	8. AERODROME UPDATE FEBRUARY 2022 (INCLUDING FEES & CHARGES 2022/23)	<ul style="list-style-type: none"> Kate Foster, Manager Economic Development Daniel Gall, Coordinator Commercial Property <i>Conflict of Interest: Nil</i>
	9. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL & ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> Brent McAlister, General Manager Development Joshua Clydesdale, Manager Land Use Planning Kate Foster, Manager Economic Development Vanessa Ebsworth, Manager Regulatory Services <i>Conflict of Interest: Nil</i>
	10. GREENING WELLINGTON STRATEGY	<ul style="list-style-type: none"> Liam Cole, Open Space Planning Officer <i>Conflict of Interest: Nil</i>

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.1. MUSTONS LANE HEYFIELD SPECIAL CHARGE SCHEME - INTENTION TO DECLARE

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider its 'intention to declare' the proposed Mustons Lane Special Charge Street Construction Scheme Number 2201 as a Special Charge Scheme for its construction in Heyfield.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Mustons Lane (CH620 – CH2150) in Heyfield and the provision of improved road drainage including driveway crossings and culverts (from road edge to building line); and*
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 19 July 2022 in accordance with the Proposed Declaration of Special Charge Scheme Number 2201 in the form of the attachment to this report for the construction of Mustons Lane (CH620 – CH2150) in Heyfield; and*
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 19 July 2022, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and*
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the Mustons Lane Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and*
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and*

6. *The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.*

BACKGROUND

Mustons Lane in Heyfield is located within the rural-residential area on the north side of Heyfield. Mustons Lane extends from Tyson Street to Golf Course Road, currently the road consists of formed and unsealed gravel pavements in two sections of 620m and 1530m in length and a sealed section of 285m in length. The full length of road is of variable width and with irregular table drains and surface drainage, there is no formalised underground drainage system.

The road is primarily a rural-type road in appearance, the unsealed section extending 1530m west from Licola Road is the section of road subject to the proposed street construction scheme. The existing sealed section of around 290m at the western end of Mustons Lane will not form part of this proposed scheme. The full-length of the road is managed and maintained by Wellington Shire Council.

A formal investigation of a special charge scheme was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime and included initial conceptual design to include Drapers Road. This initial proposal was not supported by a sufficient number of property owners and the conceptual design was amended to include Mustons Lane only from the west of Licola Road.

The proposed Mustons Lane Construction Scheme would provide for the sealing of the road to a 6.2m width and includes forming table drains, driveway crossovers and kerbing at intersections as part of the proposed works.

The construction and sealing of Mustons Lane would reduce Wellington Shire Council's need for maintenance intervention, while providing a higher level of service and safety for these adjacent properties.

It is considered that the properties which abut this section of Mustons Lane CH620 – CH2150 will derive a special benefit by the proposed upgrade works, as a result of:

- Reduction in dust;
- Enhance the amenity of the area;
- Creation of improved riding surfaces;
- Improved road safety for road users;
- Improved road surface drainage;
- Improved access and egress from properties.

Following further investigation of potential methods to facilitate construction works in Mustons Lane, it was concluded that a special charge scheme, generally in line with Council's Residential Road and Street Construction Plan, was the preferred approach, as this process requires public advertising and is a transparent process that informs the community of Council's contribution.

A decision not to hold a public meeting to outline the street scheme proposal was made due to Covid restrictions, though an information pamphlet was prepared and sent to property owners and council officers were available to discuss details with individual property owners when requested. The letter with a survey form and information pamphlet outlining the proposed scheme along with the applicable apportionment cost was mailed out to property owners on 25 October 2021 to assess support for, or objection to, the scheme.

The results of the surveys in relation to the proposed scheme were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Properties (27)	22	81%	3	11%	2	8%
Property Owners (26)	21	81%	3	11%	2	8%

There is one owner who owns multiple properties. There are no Council owned reserves and there are no other exempt properties.

Based on the survey results, the level of support for the Central Area exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is a sufficient level of support for the proposed Special Charge Scheme for **Mustons Lane (CH620 – CH 2150)** in Heyfield.

ATTACHMENTS

1. Proposed Declaration of Special Charge [**12.1.1** - 7 pages]
2. Maximum Total Levy [**12.1.2** - 8 pages]

OPTIONS

Council has the following options available:

1. Progress the proposed special charge scheme through a full cost recovery apportionment method, by advertising the intention to declare the Special Charge Scheme; or
2. Having trialed and considered other methods of apportionment, progress the proposed scheme through the 'fixed fee method' as outlined in Council's Residential Road and Street Construction Plan, by advertising the intention to declare the Special Charge Scheme; or
3. Not progress the intention to declare the Special Charge Scheme.

PROPOSAL

That Council progress the proposed scheme through the funding framework generally outlined in Council's Residential Road and Street Construction Plan and advertise its intention to declare a Special Charge Scheme for the construction of Mustons Lane (CH630 – CH 2150) and ancillary works as outlined in this report.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Total costs applicable to the Special Charge Scheme (Central Area) are estimated to be \$600,000. The amount to be recovered under the scheme does not include GST.

Based on the funding framework within the Residential Road and Street Construction Plan and as otherwise considered by Council officers to be fair and reasonable based on total special benefits and community benefits to be provided by the works, \$86,400 of the costs are to be apportioned to properties within the Special Charge scheme, with the balance funded by Council.

Amount apportioned to properties within scheme:	\$ 86,400
Portion of cost to be recovered from Council as direct costs:	\$ 513,600
Total estimated cost of scheme:	\$ 600,000

There is one multiple property owner. There are no non-rateable land or council reserves located within the scheme boundary.

The resultant financial impact is a cost to Council estimated at \$513,600, to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

To confirm the reasonableness, fairness and appropriateness of the funding framework outlined in Council's Residential Road and Street Construction Plan and otherwise (as being the fairest and most reasonable method of distributing the proposed Special Charge amongst all of the property owners in the Scheme), Council Officers first trialed and considered a number of different methods of apportionment of the Special Charge – see attached **Proposed Declaration of Special Charge – Schedule 2 (Methods 1 & 2)**, and this has included the completion of a property apportionment based on access only and a combination of access and frontage to the Maximum Total Levy Amount as calculated using the Benefit Ratio calculated for this proposed special charge scheme - see attached **Maximum Total Levy**.

On this basis, the cost per property under such apportionment methods would have been between either \$7,7087 and \$39,412 or \$14,250 (respectively) considerably more on an average per property owner basis than the method of distribution which is being proposed for Council's present consideration.

Accordingly, and in light of this 'comparative' work undertaken by Council officers, it is recommended to Council that the method of distributing the Special Charge amongst the property owners, as set out in this report (**Method 3 in Schedule 2 of Proposed Declaration of Special Charge**), is considered to be fair and reasonable.

Property owners liable to pay under the Special Charge scheme will only be invoiced following satisfactory completion of works. Options for payment include full payment within 45 days or 20 quarterly instalments (over five years), including an interest component aligned to Council's cost of finance.

COMMUNICATION IMPACT

A comprehensive public consultation process has been entered into with affected property owners including information letters, surveys and meetings. If the scheme progresses, then ongoing communication will continue with the recommendations of this report.

LEGISLATIVE IMPACT

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions and objections to the scheme will be considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

Section (2) of Section 163 of the *Local Government Act 1989* requires Council to determine:

- (a) The total amount of the Special Charge to be levied; and
- (b) The criteria to be used as the basis for declaring the special charge.

Section (2A) of Section 163 of the *Local Government Act 1989* provides that for the purpose of Section (2) (a) the total amount of the Special Charge to be levied must not exceed the amount "S" where $S = R \times C$ and;

S = is the maximum total amount that may be levied from all the persons who are liable to pay the special rates or special charges.

R = is the benefit ratio determined by the Council in accordance with sub-section (2B).

C = is the total cost of the performance of the function or the exercise of the power under sub-section (1).

A determination for the purposes of complying with the requirements of sections 163(2)(a), (2A) and (2B) of the Act (which also satisfies the requirements of the Ministerial Guidelines) is included in this report as **Maximum Total Levy**.

COUNCIL POLICY IMPACT

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street and Drainage Development Policy 4.2.4 and the 2019 Residential Road and Street Construction Plan.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

Implementation of the scheme can be undertaken within the resources of the Assets and Projects unit with the assistance of external contract engineering support for the survey and design of the scheme. In the event the scheme is adopted by Council, construction will be carried out by an approved contractor via a tender process.

COMMUNITY IMPACT

Implementation of this scheme will have a general positive community impact as it will result in the rural -residential section of Mustons Lane as outlined in the scheme being fully sealed to Licola Road in line with current service standards. Community benefit is reflected in Council contribution toward the works outcome.

ENVIRONMENTAL IMPACT

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of storm water runoff.

ENGAGEMENT IMPACT

A comprehensive public consultation process has been entered into with affected property owners including:

- Mail out survey of all property owners (Mustons and Drapers) - 12 May 2021
- Letter sent advising combined scheme would not proceed – 30 August 2021
- Mail out survey of all property owners (Mustons only) - 25 October 2021

Ongoing consultation will be carried out through recommendations 2 and 3 of this report.

RISK MANAGEMENT IMPACT

Implementation of the scheme will produce a substantial reduction in risk to motorists and other road users through improved visibility (reduction of dust), improved road surfacing, properly identified through lanes and markings at intersections.

PROPOSED DECLARATION OF SPECIAL CHARGE**'Mustons Lane Heyfield - Special Charge Street Construction Scheme
Number 2201'**

1. Wellington Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989* (**Act**) for the purpose of defraying any expenses or repaying (with interest) any advance made to or any debt incurred or loan to be raised by Council in relation to the construction of Mustons Lane (west of Licola Rd CH620 – CH2150) in Heyfield (**Street**) and for providing all and any necessary ancillary works associated with the construction of the Road, including drainage. The Scheme, if declared, is to be known as the 'Mustons Lane - Special Charge Street Construction Scheme Number 2201'.
2. The criteria which will form the basis of the proposed declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the 'residential area' of Coongulla) and based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Mustons Road (as the properties are set out in paragraphs 7 and 8 of the proposed declaration), the overall benefits which it is considered the properties in the Scheme (based on the physical and other benefits) will receive from the works to be provided under the Scheme.
3. 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 Shire of Wellington, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared (**Works**).
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$600,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.
5. The total amount to be levied under the Scheme as the Special Charge is \$86,400
6. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
7. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this proposed declaration (being **Schedule 1**).
8. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this proposed declaration of Special Charge (being **Schedule 2**).

9. The proposed Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Schedule forming a part of this proposed declaration (being **Schedule 2**), such amounts having been assessed and determined by Council as (and are based on) a fixed charge for each property having regard to access, including and in particular driveway access. Properties which have a shared driveway access to the street to be constructed via common property will have their access benefits calculated on the basis of 100% for the first property and 50% for each additional property (with access being apportioned to each of the properties so as to equal the sum of the percentages divided by the number of properties with common property access), and any other benefits.

(More particularly, the Special Charge is to be apportioned to properties included in the Scheme on the basis of each property having a driveway access to the street to be constructed under the Scheme being apportioned one (1) Access Benefit Unit (ABU) and properties within an Owners Corporation with a shared driveway access to the street via common property being apportioned an Access Benefit Unit calculated on the basis of 100% for the first property and 50% for each additional property. The Access Benefit Unit is otherwise to be apportioned to each of these properties equaling the sum of the percentages divided by the number of properties with common property access.)

10. Subject to any further resolution of Council, the Special Charge will be levied by Council sending a notice in the prescribed form to the owners of the properties in the Scheme by which the Special Charge is to be paid –
 - (a) In full amount within 45 days of the notice; or
 - (b) By way of quarterly instalments in the manner set out in paragraph 11.
11. Because the performance of the function and the exercise of the power in respect of which the proposed Special Charge is to be declared and levied relates substantially to the provision of capital works, special ratepayers will be given an instalment plan under which –
 - (a) Quarterly instalments are to be paid over a 5 year period, or other such period as negotiated; and
 - (b) 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 Road by more than 1 per cent.
12. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.
13. No incentives will be given for the payment of the Special Charge before the due date for payment.
14. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, and directly and indirectly as a result of the expenditure

proposed by the Special Charge, the value and the use, occupation and enjoyment of the properties included in the Scheme will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the Works will –

- (a) Reduce dust;
 - (b) Enhance the amenity and character of the land, and local area;
 - (c) Create improved riding surfaces for the roads;
 - (d) Improve access and egress from properties;
 - (e) Improve road drainage; and
 - (f) Improve road safety for motorists, cyclists.
- 15.** For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 0.57 or 57%, noting however that, in the exercise of its discretions, Council has chosen to make a further contribution to the cost of the Works so as to arrive at a Revised Maximum Total Levy Amount of \$86,400.

SCHEDULES TO DECLARATION

Schedule 1 - Scheme plan area

Schedule 2 - Listing of all properties with amount of special charges payable and showing manner of calculation of special charge apportionment;

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

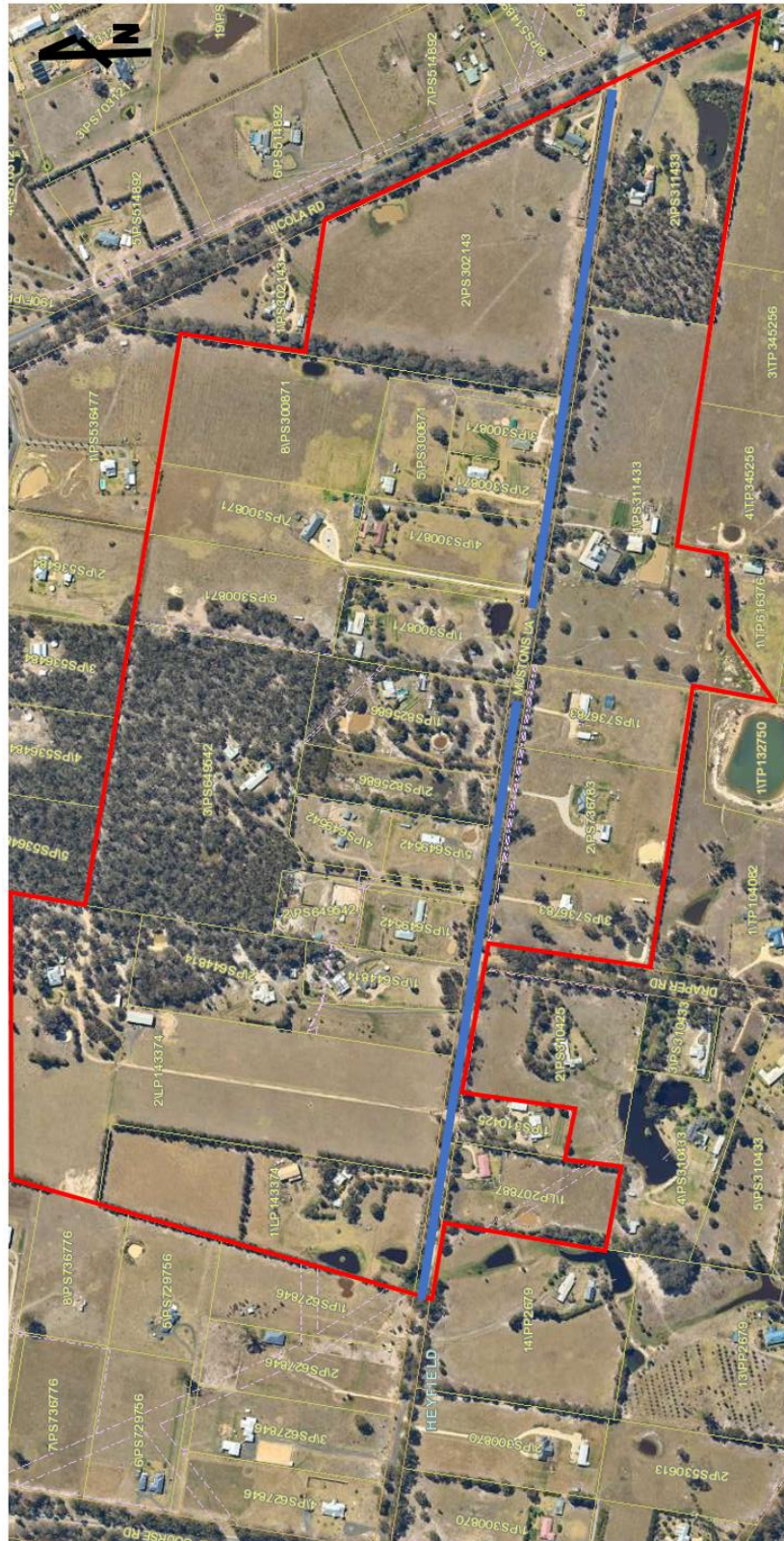
Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee

Schedule 1

MUSTONS ROAD – HEYFIELD PLAN OF SPECIAL CHARGE SCHEME AREA.

Scheme Boundary 



Schedule 2

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

WELLINGTON SHIRE COUNCIL

MUSTONS LN CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - 50% ACCESS & 50% FRONTAGE

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT (AB)	FRONTAGE (F)	SIDEAGE & REARAGE (S&R)	TOTAL APPORTIONED LENGTH (AL=F+0.3S&R)	SCHEME AMOUNT DUE (=ABxR + ALxR)
MUSTONS LANE								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	67.2		67.2	\$11,402.76
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	66.5		66.5	\$11,349.95
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	80.2		80.2	\$12,383.45
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	10		10.0	\$7,087.71
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	102.2		102.2	\$14,043.08
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	107.5		107.5	\$14,442.90
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	62.5		62.5	\$11,048.20
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	76.2		76.2	\$12,081.70
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	72.8		72.8	\$11,825.21
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	55.5		55.5	\$10,520.13
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	55.5		55.5	\$10,520.13
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	146		146	\$17,347.26
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	147		147	\$17,422.70
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	100		100	\$13,877.12
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	60		60	\$10,859.60
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	101.3		101.3	\$13,975.19
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	139.7		139.7	\$16,872.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	101.3		101.3	\$13,975.19
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	438.5		438.5	\$39,412.83
LICOLA ROAD								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1		275.6	91.9	\$13,263.56
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1		375	125	\$15,763.06
TOTALS				27	2049.9	650.6	2266.8	\$342,000.00
TOTAL ESTIMATED COST OF SCHEME					\$ 600,000			
COUNCIL CONTRIBUTION					\$ 258,000			
APPORTIONED AMOUNT					\$ 342,000			
AMOUNT APPORTIONED TO ACCESS - 50%					\$ 171,000			
AMOUNT APPORTIONED TO FRONTAGE 50%					\$ 171,000			
Apportionment Rate - (Access Benefit Units)					\$ 6,333.33	per ABU (R)		
Apportionment Rate - (Abuttal Length)					\$ 75.44	per m (R)		

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL

MUSTONS LANE (CH620 - CH2150) STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
MUSTONS LANE								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
LICOLA ROAD								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
TOTALS				27		24		\$342,000.00

TOTAL ESTIMATED COST OF SCHEME \$ 600,000.00

COUNCIL CONTRIBUTION \$ 258,000.00

APPORTIONED AMOUNT \$ 342,000.00

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address	First Property	Additional Properties	Total No of Properties
102 A & 102 B	1	1	2
124 A & 124 B	1	1	2
106 A, 160B, 160C, 160 D, 160E	1	4	5

Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)**WELLINGTON SHIRE COUNCIL****MUSTONS LANE (CH620 - CH2150) STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUN LEVY - ACCESS ONLY**

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
MUSTONS LANE								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
LICOLA ROAD								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
TOTALS				27		24		\$86,400.00
TOTAL ESTIMATED COST OF SCHEME					\$	600,000.00		
COUNCIL CONTRIBUTION					\$	513,600.00		
APPORTIONED AMOUNT					\$	86,400.00		

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address	First Property	Additional Properties	Total No of Properties
102 A & 102 B	1	1	2
124 A & 124 B	1	1	2
106 A, 160B, 160C, 160 D, 160E	1	4	5

MUSTONS LANE HEYFIELD – SPECIAL CHARGE STREET CONSTRUCTION SCHEME NUMBER 2201

Determination under Sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* – Calculation of Total Amount of Special Charges to be Levied (‘Maximum Total Levy’)

Introduction

Wellington Shire Council (**Council**) has a legacy of being required to deal with a number of issues associated with sub-standard roads and streets throughout the Shire. A key objective of Council is to renew and improve roads and streets within residential environments with a view to providing proper community infrastructure and improved amenity and liveability, and overall resident satisfaction.

Council has (following a review of its ‘Residential Road and Street Construction Plan 2014’) adopted the ‘Residential Road and Street Construction Plan 2019’ (**Plan**). As a strategic policy document, the Plan seeks to provide a sustainable budgetary response to the renewal and improvement of sub-standard roads and streets within residential environments throughout the Shire.

The proposed special charge scheme for the construction and improvement of Mustons Lane Heyfield, west of Licola Road CH620 – CH2150 (to be known as the ‘Mustons Lane - Special Charge Street Construction Scheme Number 2101’) (**Special Charge** or **Scheme**) is consistent with, and otherwise supports, the Plan.

This determination is made by Council under and for the purposes of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (**Act**). It addresses the calculation of the ‘benefit ratio’ in order to determine the total amount of the special charges that may be levied on those property owners who it is considered will receive a benefit from the proposed works through the imposition of the Special Charge (**Maximum Total Levy**).

The calculation of the Maximum Total Levy requires Council to –

- Calculate the total cost of the works; and
- Calculate the ‘benefit ratio’ based on reasonable estimates being made of –
 - i. The ‘total special benefits’ to the properties included in the Scheme (TSB(in));
 - ii. The ‘total special benefits’ to the properties not included in the Scheme (if any) (TSB(out)); and
 - iii. The ‘total community benefits’ (if any) to be provided by the Scheme (TCB).

A. Define Purpose

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction & sealing improvement of Mustons Lane Heyfield

Mustons Lane located within a rural - residential area of Heyfield and currently consists of a formed (but unsealed) gravel pavement of approximately 5 - 6m width and 4.8 km in length with irregular surface drains. The road is primarily a rural type road, with an unsealed section extending for 1530 metres length of the road, (Ch620 – CH2150) commencing from Licola Road and westwards along Mustons Lane. The road is managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to Council's maintenance grading regime, which applied to the roads. The initial work undertaken by Council in response to these concerns included the preparation of concept designs and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the road to a 6.2 width, with kerbing at intersections, and improved road surface drainage and driveway crossovers.

The construction and sealing of Mustons Lane will reduce Council's need for ongoing maintenance intervention, while providing a higher level of service for property owners and the general public. Under Council's Road Management Plan, Mustons Lane is designated as a 'Local Access A Road' respectively and (as required by the Plan), 81% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 27 rateable properties which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

- Improved amenity and liveability for residents and community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists with modern road infrastructure, that is less exposed to rapid degradation;
- Decreased maintenance costs incurred by Council, through reduced demand associated with upkeep of poorly constructed roads, streets & drains;
- Increased community satisfaction via the provision of infrastructure that meets expectations;

Following further investigation of potential methods to facilitate the construction works in Mustons Lane, a further consideration of survey results and further discussions with property owners (who continue to show support for the Scheme), it has been concluded that a Special Charge Scheme, generally in accordance with and supported by the Plan, is the preferred approach to facilitate the project outcomes.

B. Ensure Coherence

The proposed road and surface drainage improvement works to be located within the Scheme area will provide a special benefit to the 27 rateable property owners located within the Scheme boundary, and are otherwise physically connected to the purpose set out in A.

C. Calculate Total Costs

The implementation of the Special Charge is regulated by section 163 of Act. Ministerial Guidelines made pursuant to the Act require Councils to be transparent about how they calculate the 'Maximum Total Levy'.

For this project, the Maximum Total Levy has been calculated in accordance with the Act and the Guidelines. The Maximum Total Levy, and other relevant information, is summarised in the table below.

Total Scheme Cost	\$600,000
'Benefit Ratio' Determination	0.57 or 57%
Maximum Total Levy Amount	\$ 342,000
Further Council Contribution	\$ 255,600
Revised Maximum Total Levy Amount	\$ 86,400

D. Identify Special Beneficiaries

It is considered that all 27 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road- and drainage-related special benefits from the proposed works.

The relevant special benefits which it is considered each property will receive are –

- Reduction in dust;
- Enhancement of the amenity and character of the land and local area;
- Creation of improved riding surfaces for the street;
- Improvement in access and egress from properties;
- Improved road drainage; and
- Improved road safety for motorists and cyclists.

The Scheme area (showing the 27 properties and the location of the roads to be constructed) is shown in on the plan below.

E. Determine Properties to Include

For the purposes of calculating the Benefit Ratio, a notional benefit value – to be called a Benefit Unit (BU) – will be used. A BU is a deemed benefit equal to the *average* benefit for each and every property included in the Scheme. This average benefit is considered to comprise *both* access and amenity benefits.

It is considered that that all of the properties included within the Scheme will receive a benefit from the works to be provided under the Scheme (being 1 BU for each property), regardless (for the purposes of calculating the Benefit Ratio but not for the purposes of the final distribution of the Special Charge amongst the Special Charge contributors) and regardless of whether or not particular properties have subdivision or other development potential (or, in some cases, further subdivision or development potential). The BU so chosen has been broken up equally into both access benefit and amenity benefit (viz., 0.5 BU for 'improved access' and 0.5 BU for 'improved amenity').

F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

Total Special Benefits = Total Special Benefits In + Total Special Benefits Out, that is –

$$(TSB = TSB_{(in)} + TSB_{(out)})$$

$TSB_{(in)}$ has been calculated as follows –

Total Special Benefit Units In ($TSB_{(in)}$)	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (6)	0.5 x 27 = 13.5 BU	0.5 x 27 = 13.5 BU
$TSB_{(in)} =$	27 BU	

$TSB_{(out)}$ has been calculated as follows –

Because –

- All of the properties in the Scheme (including common property) are rateable; and
- There are no properties in the Scheme receiving a special benefit which are not required to pay the Special Charge –

there are no $TSB_{(out)}$ properties. $TSB_{(out)} = 0$

G. Estimate Total Community Benefit

In addition to establishing the Total Special Benefits for the Scheme, an assessment of any Community Benefit is also required to be undertaken in order to calculate the Maximum Total Levy.

In terms of assessing the level of any Community Benefit, it is generally considered that the works included in the Scheme will primarily benefit only those properties which are included within the Scheme boundary, and that accordingly the level of benefit to the broader community will be limited.

It is considered that the Community Benefit attributable to the proposed Scheme works will be generated from the broader community receiving some benefits and which benefits (in the interest of fairness and equity) Council should be pay for (and not the special charge contributors).

The community benefits are considered to be –

- A wider use of Mustons Lane following its construction;
- Improved drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

Broader traffic use

To calculate the level of Community Benefit which it is considered will be attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the road for wider access purposes), an assessment of vehicle movements has been undertaken. Based on a Traffic Count taken in December 2020, it was determined that there are 228 vehicle movements per day along Mustons Lane about 50m west of Licola Road (in its present form). An average of 220 vehicle movements per day has been adopted.

Based on these traffic movements, it is considered that the some of these vehicle movements relate to use by persons who are accessing or servicing the Special Benefit (in) properties the scheme (based on an average of 6 vehicle movements per day).

Therefore, the Total Special Benefits for 'road access' by the Special Benefit (in) properties is determined to be 13.5 BU (this is based on approximately 162 vehicle movements per day (27 x 6 (averaged out and give or take)).

Based on current traffic volumes (and any projected increases in traffic following construction of the road by persons not receiving special benefits), it is anticipated that the overall traffic along Mustons Lane would not significantly increase, meaning that it is anticipated that there will be little additional vehicle movements per day following construction of the roads. Despite this, an allowance is made for what may be some increase in traffic movements and, accordingly, any projected increase in external traffic will

account for the Total Community Benefit, and this will result in the calculation of the following BU's for any such traffic by the broader community.

Total Community Benefit Units for any broader traffic use of the road is calculated as follows–

$$\begin{aligned}\text{TCB}_{\text{traffic}} &= 13.5 \times (220/162) \\ &= 13.5 \times 1.4 \\ \text{TCB}_{\text{traffic}} &= 18.5\end{aligned}$$

Improved drainage and water quality

Sealing of the roads will result in improved drainage and better water quality: It is recommended therefore that **1 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$\text{TCB}_{\text{drainage}} = 1$$

Reduced ongoing maintenance costs

There will be less ongoing maintenance costs for Council in having to care for and manage a sealed road, rather than an unsealed road: It is recommended therefore that **1 BU** be allowed for this benefit, which again is considered to be a marginal benefit.

$$\text{TCB}_{\text{maintenance}} = 1$$

Therefore,

$$\begin{aligned}\text{TCB}_{\text{total}} &= \text{TCB}_{\text{traffic}} + \text{TCB}_{\text{drainage}} + \text{TCB}_{\text{maintenance}} \\ &= 18.5 + 1 + 1 \\ \text{TCB}_{\text{total}} &= 20.5\end{aligned}$$

H. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned}R &= \frac{\text{TSB}_{(\text{in})}}{\text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})} + \text{TCB}} \\ &= 27 / (27 + 0 + 20.5) \\ &= 27 / 47.5\end{aligned}$$

$$\text{Benefit Ratio (R)} = 0.57$$

I. Calculating the Maximum Total Levy

The following formula, as set out in the Act, is used to determine the Maximum Total Levy–

$$R \times C = S$$

where –

R is the Benefit Ratio determined by Council;

C is the Total Scheme cost; and

S is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.57 x \$600,000 = \$342,000

Council may levy up to **57%** of total costs, or **\$342,000**

J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$342,000 the special charge contributors would be required to pay by way of special charges amounts which exceed the amounts set out in Council's Residential Road and Street Construction Plan 2019¹.

In the exercise of its discretions, and otherwise in accordance with the Plan (and the objectives which the Plan seeks to achieve), Council chooses to allocate a further amount of \$255,600 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$86,400 (***Revised Maximum Total Levy Amount***).

The Revised Maximum Total Levy Amount is to be apportioned amongst the property owners within the scheme area in accordance with the method of distribution of the Special Charge to be determined by Council in the declaration of the Special Charge.

¹ Refer to section 6.2 of the Plan by which a fixed rate contribution model of \$3,600 has been proposed and adopted by Council for Small & Coastal Towns where sealed roads are to be provided.

12.2. SPECIAL CHARGE STREET CONSTRUCTION SCHEME COONGULLA - SUBMISSIONS COMMITTEE HEARING

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to receive and consider the report from the Coongulla Township (Central Area) Special Charge Scheme Submissions Committee that was set up to hear submissions on the Coongulla Township (Central Area) Special Charge Street Construction Scheme.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council receive and consider the report from the Submissions Committee in relation to the Coongulla Township (Central Area) Street Special Charge Street Construction Scheme; and*
- 2. Having regard to the written submission/objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Coongulla Township (Central Area), has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objection should not stop the scheme being considered for adoption; and*
- 3. The Chief Executive Officer write to the submitter and advise of the Council decision and the reason for that decision and advise the objector of Wellington Shire Council's Hardship Provisions and invite an application from the objector; and*
- 4. The information contained in the confidential attachment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 14 February 2022 because it relates to the following grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.*

BACKGROUND

Following the resolution of Council of the intention to declare the Coongulla Township (Central Area) Special Charge Street Construction Scheme at its 5 October 2021 meeting, Public Notices and copies of the notice were served on all owners of property intended to be included under the scheme on 20 October 2021. Written submissions were invited up until 19 December 2021 for anyone objecting to the scheme being declared, with one written objection being received by the Chief Executive Officer.

ATTACHMENTS

1. Confidential Header - Coongulla Township Central Area Special Charge Street Construction Scheme [12.2.1 - 1 page]
2. CONFIDENTIAL REDACTED - Council Report Hearing Special Charge Scheme Coongulla Central Area [12.2.2 - 3 pages]

OPTIONS

Council has the following options available:

1. Receive and consider the report from the Submissions Committee (attached) in relation to the Coongulla Township (Central Area) Special Charge Street Construction Scheme; or
2. Not receive the report from the Submissions Committee in relation to the Coongulla Township (Central Area) Special Charge Street Construction Scheme.

PROPOSAL

That:

1. Council receive and consider the report from the Submissions Committee in relation to the Coongulla Township (Central Area) Street Special Charge Street Construction Scheme; and
2. Having regard to the written objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Coongulla Township (Central Area), has been prepared in accordance with the provisions of the *Local Government Act 1989*, Council determines that the objection should not stop the scheme being considered for adoption; and
3. The Chief Executive Officer write to the submitter and advise of the Council decision and the reason for that decision and advise the objector of Wellington Shire Council's Hardship Provisions and invite an application from the objector.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Written submissions were considered by the Submission Committee of Council in accordance with Section 223 of the *Local Government Act 1989*. Their report is provided in Attachment 1.

The scheme has been prepared in accordance with the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 1 March 2022

On this day, 14 February 2022, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **COONGULLA TOWNSHIP (CENTRAL AREA) SPECIAL CHARGE STREET CONSTRUCTION SCHEME – SUBMISSIONS COMMITTEE HEARING REPORT AWARD** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*

A handwritten signature in blue ink, appearing to be 'CHAS HASTIE', is written over a light blue rectangular stamp. The signature is fluid and cursive.

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.3. COONGULLA TOWNSHIP (CENTRAL AREA) SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed 'Coongulla Township (Central Area) Special Charge Street Construction Scheme Number 2102' by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction of streets within the central area of the Coongulla Township.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council, having considered all submissions received and taken account all objections lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Streets within the Coongulla Township (Central Area) or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Streets and providing ancillary works, including driveway crossover and culverts.***
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.***
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –***
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;***
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;***
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;***

- (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;***
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and***
 - (f) The works proposed for the construction and drainage of the Street(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).***
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.***

BACKGROUND

The Coongulla township is located on the north side of Lake Glenmaggie, within the northwestern region of the Wellington Shire. This small residential estate is nestled above the northern shoreline of Lake Glenmaggie in a unique rural setting. The township serves a growing number of owner-occupied property owners who enjoy the rural atmosphere and is also home to many absentee property owners whose owners utilise their homes as a base to enjoy all forms of water sports on the nearby lake, primarily during the school holiday periods.

All streets within Coongulla are unsealed and are of various widths and formations, excepting Ryans Road, being the main access road leading into and through Coongulla, which is sealed. The streets within Coongulla are primarily of a rural-type road in appearance and the unsealed sections extend for their full length. All streets are maintained by Wellington Shire Council.

Street construction schemes have been recently declared for the Eastern Area of Coongulla and also a short section of Hodges Road following initial community consultations undertaken by Wellington Shire Council in 2019.

The initial investigation for these Special Charge Schemes commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime of gravel roads in the Coongulla Township. A public meeting was held with Coongulla property owners and the community on 11 November 2019 which included an outline of a special charge methodology in order to undertake street improvements for the 'whole' township in line with the adopted Residential Road and Street Construction Plan 2019.

A follow up survey with property owners at the time was undertaken and mailed out on 23 January 2020 to determine the level of interest in such a proposal on a 'whole of town' basis. The results from this survey indicated an overall interest with 52% of property owners being in support.

Council Officers analysed the results from this survey to investigate opportunity for undertaking localised street improvements at Coongulla. Subsequently there were two areas within the township where it was identified as having a higher level of support for a street scheme proposal.

A further survey of these two areas, known as the Eastern and Central Township areas was undertaken, with a mail out to property owners occurring on 28 July 2020. The outcome from

these surveys was support of 68% and 56% respectively and as indicated above, the Eastern scheme proceeded through to a formal declaration.

Ongoing requests from property owners within the Central area, in the form of letters, emails and phone calls have continually been received by Council Officers, in summary the calls advising of changed circumstances around Covid, etc, along with new ownership changes in property indicating support to a scheme should a new survey be undertaken. With consideration around these circumstances, it was agreed by Council Officers that a further survey of the Central area be undertaken.

A new survey of the Central Area was undertaken on 29 June 2021. The formation and sealing streets within the Central Scheme would reduce Council's need for maintenance intervention, whilst providing a higher level of service and safety for the adjacent properties.

It is proposed that the scheme would provide for the sealing generally to a 6m width, with kerbing at intersections as part of the proposed works.

It is considered that the properties which abut these unsealed streets within the Central Area of the Coongulla Township will derive a special benefit from the proposed upgrade works, as a result of:

- A reduction in dust;
- An enhancement to the amenity of the area;
- The creation of improved riding surfaces;
- Improved road safety for road users;
- Improved road surface drainage;
- Improvement to access and egress from properties;

The construction and sealing of the following streets within the Central Area; Macalister Drive, Wellington Street and Tamboritha Tce (part) would reduce Wellington Shire Council's need for maintenance intervention, while providing a higher level of service and safety for adjacent properties, as well as the general public.

The results of the survey are shown in the table below.

Central Area

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Property Owners (44)	29	66%	12	27%	3	6%
Properties (39)	26	67%	10	26%	3	6%

There are five property owners who own multiple properties (usually an adjoining vacant lot). The survey result excludes Council owned reserves. There are no other exempt properties within the scheme.

Based on these survey results, the level of support for the scheme exceeds the 60% threshold acceptance level outlined in the 'Residential Road and Street Construction Plan 2019' and therefore it is considered that there is sufficient level of support for the proposed Special Charge Scheme for the Central Area within the Coongulla township.

FORMAL AND STATUTORY SUBMISSIONS AND OBJECTIONS

Following Council's previous resolution in relation to its intention to commence the statutory process to declare the Special Charge Scheme, public notice was given in a newspaper circulating generally in the municipal district (Gippsland Times), and a separate written notice was sent to all property owners concerning Council's proposal.

As a result of this, Council received one written submission/objection from a property owner within the scheme.

This Report now addresses whether or not Council wishes to proceed with the proposed 'Coongulla Township (Central Area) Special Charge Street Construction Scheme Number 2102' by way of formal declaration as a Special Charge Scheme under section 163(1) of the Act for the construction of streets with the central area of the Coongulla Township, and related works, including road surface drainage and vehicle crossings.

ATTACHMENTS

1. Declaration of Special Charge [**12.3.1** - 10 pages]
2. Maximum Total Levy [**12.3.2** - 8 pages]

OPTIONS

Council has the following options available:

1. To progress the proposed Special Charge Scheme through a full cost recovery apportionment method, by advertising the declaration of the Special Charge Scheme; or
2. Having first trialed and considered other methods of apportionment, to progress the proposed Scheme through the 'fixed fee method' as outlined in 'Council's Residential Road and Street Construction Plan', by advertising the declaration of the Special Charge Scheme; or
3. To not progress the declaration of the Special Charge Scheme.

PROPOSAL

The proposal, which is now presented for Council's determination, is for Council to proceed with the proposed Special Charge Scheme generally through (and in accordance with) the funding framework outlined in Council's 'Residential Road and Street Construction Plan' and to proceed to declare a Special Charge Scheme for the construction of streets within the Coongulla Township (Central Area) for the provision of road construction and ancillary works, as outlined in this and previous reports which have been considered by Council.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Total costs applicable to the Special Charge Scheme are estimated to be \$550,000. The amounts to be recovered under the scheme do not include GST.

Based on the funding framework within the 'Residential Road and Street Construction Plan' and as otherwise considered by council officers to be fair and reasonable based on the total special benefits and community benefits to be provided by the works, \$158,400.00 of the costs are to be apportioned to properties within the Special Charge Scheme area, with the balance being funded by Council.

On this basis, the following figures are presented: –

Amount apportioned to properties within the Scheme:	\$158,400.00
Portion of costs to be recovered from Council as direct costs:	\$391,600.00
Total estimated cost of the Scheme:	\$550,000.00

There are five multiple property owners. There are five other non-rateable land (Council Land/Reserves) located within the Scheme boundary.

The resultant financial impact is a cost to Council estimated at \$391,600 to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

To confirm the reasonableness, fairness and appropriateness of the funding framework outlined in Council's 'Residential Road and Street Construction Plan' and otherwise (as being the fairest and most reasonable method of distributing the proposed Special Charge amongst all of the property owners in the Scheme), Council officers first trialed and considered a number of different methods of apportionment of the Special Charge - refer attached **Declaration of Special Charge - Schedule 2 (Methods 1 and 2)**.

This included the completion of property apportionment charges based on access only, as well as a combination of access and frontage in the distribution of the 'Maximum Total Levy Amount' as that amount has been separately calculated using the 'Benefit Ratio' calculations for the proposed Special Charge Scheme - refer attached **Maximum Total Levy**

On this basis, the cost per property under such other apportionment methods would have been between either \$5,537 and \$11,132 or \$7,000 considerably more on an average per property owner basis, than the method of distribution which is being proposed for Council's consideration.

Accordingly, and in light of this 'comparative' work undertaken by Council officers, it is recommended to Council that the method of distributing the Special Charge amongst the property owners, as set out in this Report (**Method 3 in Schedule 2** of the attached **Declaration of Special Charge**), is considered to be fair and reasonable.

Property owners who are liable to pay under the Special Charge Scheme will only be invoiced following satisfactory completion of works. Options for payment include full payment within 45 days or 20 quarterly instalments (over five years), including an interest component aligned to Council's cost of finance.

COMMUNICATION IMPACT

A comprehensive public consultation process has been entered into with affected property owners including information letters, surveys and meetings. If the scheme progresses, then ongoing communication will continue with the recommendations of this report.

LEGISLATIVE IMPACT

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions and objections to the scheme will be considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

Section (2) of Section 163 of the *Local Government Act 1989* requires Council to determine:

- (a) The total amount of the Special Charge to be levied; and
- (b) The criteria to be used as the basis for declaring the special charge.

Section (2A) of Section 163 of the *Local Government Act 1989* provides that for the purpose of Section (2) (a) the total amount of the Special Charge to be levied must not exceed the amount "S" where $S = R \times C$ and;

S = is the maximum total amount that may be levied from all the persons who are liable to pay the special rates or special charges.

R = is the benefit ratio determined by the Council in accordance with sub-section (2B).

C = is the total cost of the performance of the function or the exercise of the power under sub-section (1).

A determination for the purposes of complying with the requirements of sections 163(2)(a), (2A) and (2B) of the Act (which also satisfies the requirements of the Ministerial Guidelines) is included in this report as **Maximum Total Levy**.

COUNCIL POLICY IMPACT

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street and Drainage Development Policy 4.2.4 and the 2019 Residential Road and Street Construction Plan.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

Implementation of the scheme can be undertaken within the resources of the Assets and Projects Unit. In the event the scheme is adopted by Council, construction will be carried out by an approved contractor via a tender process.

COMMUNITY IMPACT

Implementation of this Scheme will have a positive community impact as it will result in streets within the Central Area of the Coongulla Township to be fully sealed in line with current service standards. Community benefit is reflected in Council's contribution towards the works outcome.

ENVIRONMENTAL IMPACT

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of storm water runoff.

ENGAGEMENT IMPACT

A comprehensive public consultation process has been entered into with affected property owners including:

- Initial Information letter advising property owners of street works proposal on 14 October 2019;
- Public Meeting held at the Coongulla Public Hall – 11 November 2019;
- Mail out survey of all property owners, (Whole of Town) – 23 January 2020;
- Mail out advising whole of town scheme was under 60% and assessing sub-schemes;
- New mail out survey of property owners in Eastern and Central Areas – 28 July 2020;
- Mail out advising support for Central Scheme under 60% – 5 October 2020;
- Letters, emails, phone call request from property owners seeking new survey of Central area be undertaken;
- Mail out survey of all property owners in Central Area – 29 June 2021;
- Follow up phone calls and emails requesting replies to the survey;
- Letter advising of Intention to declare a scheme – 27 August 2021;
- Formal public notice under sections 163B and 223 of the *Local Government Act 1989*;
- Section 223 Committee Hearing of submission/objections – 15 December 2022.

RISK MANAGEMENT IMPACT

Implementation of the scheme will produce a substantial reduction in risk to motorists, and other road users through improved visibility (reduction of dust), improved road surfacing and surface drainage.

DECLARATION OF SPECIAL CHARGE

'Coongulla Township (Central Area)- Special Charge Street Construction

Scheme Number 2102'

1. Wellington Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989* (**Act**) for the purpose of defraying any expenses or repaying (with interest) any advance made to or any debt incurred or loan to be raised by Council in relation to the preparation, forming and sealing of certain streets in the Coongulla Township (Central Area) – as those streets and roads set out in paragraph 2 of this Proposed Declaration and as they are otherwise shown on the plan which is attached and which forms a part of the Declaration of Special Charge Scheme Number 2102 (**Scheme Plan**) and for provision all and any necessary ancillary works associated with the construction of the Road, including table drainage, driveway crossover and culverts (from road edge to building line). The Scheme, if declared, is to be known as the 'Coongulla (Central Area)- Special Charge Street Construction Scheme Number 2102'.
2. The streets and the roads to be constructed are (under Council's Road Management Plan) all designated by Council as (or will become) 'Local Access B' roads and are set out as follows –
 - (a) Macalister Drive;
 - (b) Wellington Street;
 - (c) Tamboritha Terrace (CH910-1040);
 - (d) Gillum Drive (25m at intersection);
 - (e) Woolenook Way (30 at intersection)
3. The criteria which will form the basis of the declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the Township of Coongulla as shown on the Scheme Plan) and, based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to streets and roads to be formed and sealed (as the properties are set out in paragraphs 8 and 9 of the declaration), the overall benefits which it is considered the properties in the Scheme (based on the physical and other benefits) will receive from the works to be provided under the Scheme.
4. 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 Shire of Wellington, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared (**Works**).
5. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$550,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.

6. The total amount to be levied under the Scheme as the Special Charge is \$158,400
7. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
8. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this declaration (being **Schedule 1**).
9. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this declaration of Special Charge (being **Schedule 2**).
10. The proposed Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Schedule forming a part of this declaration (being **Schedule 2**), such amounts having been assessed and determined by Council as (and are based on) a fixed charge for each property having regard to access, including and in particular driveway access. Properties which have a shared driveway access to the street to be constructed via common property will have their access benefits calculated on the basis of 100% for the first property and 50% for each additional property (with access being apportioned to each of the properties so as to equal the sum of the percentages divided by the number of properties with common property access), and any other benefits.
11. Subject to any further resolution of Council, the Special Charge will be levied by Council sending a notice in the prescribed form to the owners of the properties in the Scheme by which the Special Charge is to be paid –
 - (a) In full amount within 45 days of the notice; or
 - (b) By way of quarterly instalments in the manner set out in paragraph 12.
12. Because the performance of the function and the exercise of the power in respect of which the proposed Special Charge is to be declared and levied relates substantially to the provision of capital works, special ratepayers will be given an instalment plan under which –
 - (a) Quarterly instalments are to be paid over a 5 year period, or other such period as negotiated; and
 - (b) 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 Road by more than 1 per cent.
13. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.
14. No incentives will be given for the payment of the Special Charge before the due date for payment.

- 15.** Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, and directly and indirectly as a result of the expenditure proposed by the Special Charge, the value and the use, occupation and enjoyment of the properties included in the Scheme will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the Works will –
- (a) Reduce dust;
 - (b) Enhance the amenity and character of the land, and local area;
 - (c) Create improved riding surfaces for the roads;
 - (d) Improve access and egress from properties;
 - (e) Improve road drainage; and
 - (f) Improve road safety for motorists, cyclists.
- 16.** For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 0.56 or 56%, noting however that, in the exercise of its discretions, Council has chosen to make a further contribution to the cost of the Works so as to arrive at a Revised Maximum Total Levy Amount of \$158,400.

SCHEDULES TO DECLARATION

Schedule 1 - Scheme plan area

Schedule 2 - Listing of all properties with amount of special charges payable and showing manner of calculation of special charge apportionment;

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee



Schedule 2

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

WELLINGTON SHIRE COUNCIL								
COONGULLA (CENTRAL)CONSTRUCTION SCHEME - APPORTIONMENT OF COST- MAX. LEVY AMOUNT - 50% ACCESS & 50% FRONTAGE								
ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT (AB)	FRONTAGE (F)	SIDEAGE & REARAGE (S&R)	TOTAL APPORTIONED LENGTH (AL=Fx0.3S&R)	SCHEME AMOUNT DUE (=ABxR+ALxR)
MACLAISTER DRIVE								
1	37589	350835 LOT: 296 LP: 55070	2 MacAlister DVE, COONGULLA	1	17.5		17.50	\$6,046.71
2	37590	350835 LOT: 297 LP: 55070	4 MacAlister DVE, COONGULLA	1	21		21.00	\$6,556.05
3	37591	350850 LOT: 1 PS: 204302	6 MacAlister DVE, COONGULLA	1	16		16.00	\$5,828.42
4	37592	350868 LOT: 2 PS: 204302	8 MacAlister DVE, COONGULLA	1	21.5	23	28.40	\$7,632.94
5	37594	350876 LOT: 342 LP: 55070	22 MacAlister DVE, COONGULLA	1	19.8		19.80	\$6,381.42
6	37595	350892 LOT: 343 LP: 55070	24 MacAlister DVE, COONGULLA	1	19.8		19.80	\$6,381.42
7	37596	350900 LOT: 344 LP: 55070	26 MacAlister DVE, COONGULLA	1	23	29	31.70	\$8,113.17
8	37597	350918 LOT: 265 LP: 55070	28 MacAlister DVE, COONGULLA	1	18	30	27.00	\$7,429.20
9	37598	350926 LOT: 264 LP: 55070	30 MacAlister DVE, COONGULLA	1	25.4		25.40	\$7,196.36
10	37599	350934 LOT: 263 LP: 55070	32 MacAlister DVE, COONGULLA		22.3	non-rateable		\$0.00
11	37600	350934 LOT: RES LP: 55070	MacAlister DVE, COONGULLA		8	non-rateable		\$0.00
12	37601	350934 LOT: 1 TP: 909203G	MacAlister DVE, COONGULLA		66	non-rateable		\$0.00
13	37602	350967 LOT: 91 LP: 54201	19 MacAlister DVE, COONGULLA	1	26.1		26.10	\$7,298.23
14	37603	350975 PC: 108633	17 MacAlister DVE, COONGULLA	1	30		30.00	\$7,865.78
15	37604	350983 LOT: 94 LP: 54201	13 MacAlister DVE, COONGULLA	1	15.5		15.50	\$5,755.65
16	37605	350991 LOT: 95 LP: 54201	11 MacAlister DVE, COONGULLA	1	15.5		15.50	\$5,755.65
17	37606	351007 LOT: 261 LP: 54201	3 MacAlister DVE, COONGULLA	1	14.5		14.50	\$5,610.13
18	37611	351015 PC: 360823G	1 MacAlister DVE, COONGULLA	1	22.6		22.60	\$6,788.89
TAMBORITHA TERRACE								
19	37765	352476 LOT: RES LP: 54201	Tamboritha TCE, COONGULLA		11	non-rateable		\$0.00
20	55836	381905 LOT: RES10 LP: 54201	Tamboritha TCE, COONGULLA		11	non-rateable		\$0.00
21	62336	352492 PC379245R	122-124 Tamboritha TCE, COONGULLA	1	25.7		25.70	\$7,240.02
22	37768	352518 LOT: 88 LP: 54201	126 Tamboritha TCE, COONGULLA	1	14		14.00	\$5,537.36
23	37769	352518 LOT: 87 LP: 54201	128 Tamboritha TCE, COONGULLA	1	39.6		39.60	\$9,262.83
24	37770	352526 LOT: 1 TP: 134344	130 Tamboritha TCE, COONGULLA	1	21.4		21.40	\$6,614.26
25	37771	352534 LOT: 85 LP: 54201	132 Tamboritha TCE, COONGULLA	1	24.1	27	32.20	\$8,185.94
26	59072	352542 PC: 373414C	129-133 Tamboritha TCE, COONGULLA	1	15.4	57	32.50	\$8,229.60
27	59027	352583 PC: 373438M	125-127 Tamboritha TCE, COONGULLA	1	31.5	33.1	41.43	\$9,529.14

28	37834	353136 LOT: 242 LP: 54201	WELLINGTON STREET	1	15.2		15.20	\$5,712.00
29	37835	353136 LOT: 241 LP: 54201	4 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
30	37836	353144 LOT: 240 LP: 54201	6 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
31	37837	353151 LOT: 239 LP: 54201	8 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
32	37838	353169 LOT: 238 LP: 54201	10 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
33	37839	353185 LOT: 237 LP: 54201	12 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
34	37840	353185 PC: 109305	14 Wellington ST, COONGULLA	1	30.4		30.40	\$7,923.99
35	37841	353193 PC: 351302	16-18 Wellington ST, COONGULLA	1	45.6		45.60	\$10,135.99
36	37842	353201 LOT: 231 LP: 54201	24 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
37	37843	353219 LOT: 230 LP: 54201	26 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
38	37844	353227 PC: 350527S	28 Wellington ST, COONGULLA	1	40	41.5	52.45	\$11,132.84
39	37845	353235 PC: 171524K	32 Wellington ST, COONGULLA	1	22.5	41.5	34.95	\$8,586.13
40	37846	353243 LOT: 98 LP: 54201	31 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
41	10451	353268 PC: 356973K	27 Wellington ST, COONGULLA	1	30.4		30.40	\$7,923.99
42	61961	353276 PC: 377350F	23 Wellington ST, COONGULLA	1	30.4		30.40	\$7,923.99
43	37852	353292 LOT: 1 TP: 192296L	19-21 Wellington ST, COONGULLA	1	15.2		15.20	\$5,712.00
44	37853	353300 PC: 351838	17 Wellington ST, COONGULLA	1	30.4		30.40	\$7,923.99
45	37854	353326 LOT: 106 LP: 54201	15 Wellington ST, COONGULLA	1	19		19.00	\$6,264.99
46	37855	353326 LOT: 107 LP: 54201	11 Wellington ST, COONGULLA	1	39		39.00	\$9,175.51
47	37856	353334 LOT: 108 LP: 54201	9 Wellington ST, COONGULLA	1	20		20.00	\$6,410.52
48	37857	353342 LOT: 109 LP: 54201	5 Wellington ST, COONGULLA	1	20		20.00	\$6,410.52
49	37858	353359 LOT: 110 LP: 54201	3 Wellington ST, COONGULLA	1	16		16.00	\$5,828.42
		TOTALS		44	1091.9	282.1	1058.23	\$308,000.00
TOTAL ESTIMATED COST OF SCHEME								
COUNCIL CONTRIBUTION					\$ 550,000			
APPORTIONED AMOUNT					\$ 242,000			
					\$ 308,000			
AMOUNT APPORTIONED TO ACCESS - 50%					\$ 154,000			
AMOUNT APPORTIONED TO FRONTAGE 50%					\$ 154,000			
Apportionment Rate - (Access Benefit Units)					\$3,500.00	per ABU (R)		
Apportionment Rate - (Abutment Length)					\$ 145.53	per m (R)		

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL

COONGULLA (CENTRAL) CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
MACLAISTER DRIVE								
1	37589	350835 LOT: 296 LP: 55070	2 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
2	37590	350835 LOT: 297 LP: 55070	4 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
3	37591	350850 LOT: 1 PS: 204302	6 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
4	37592	350868 LOT: 2 PS: 204302	8 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
5	37594	350876 LOT: 342 LP: 55070	22 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
6	37595	350892 LOT: 343 LP: 55070	24 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
7	37596	350900 LOT: 344 LP: 55070	26 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
8	37597	350918 LOT: 265 LP: 55070	28 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
9	37598	350926 LOT: 264 LP: 55070	30 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
10	37599	350934 LOT: 263 LP: 55070	32 MacAlister DVE, COONGULLA	1	non-rateable	1	\$7,000.00	\$7,000.00
11	37600	350934 LOT: RES LP: 55070	MacAlister DVE, COONGULLA		non-rateable			
12	37601	350934 LOT: 1 TP: 909203G	MacAlister DVE, COONGULLA		non-rateable			
13	37602	350967 LOT: 91 LP: 54201	19 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
14	37603	350975 PC: 108633	17 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
15	37604	350983 LOT: 94 LP: 54201	13 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
16	37605	350991 LOT: 95 LP: 54201	11 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
17	37606	351007 LOT: 261 LP: 54201	3 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
18	37611	351015 PC: 360823G	1 MacAlister DVE, COONGULLA	1		1	\$7,000.00	\$7,000.00
TAMBORITHA TERRACE								
19	37765	352476 LOT: RES LP: 54201	Tamboritha TCE, COONGULLA		non-rateable			
20	55836	381905 LOT: RES10 LP: 54201	Tamboritha TCE, COONGULLA		non-rateable			
21	62336	352492 PC379245R	122-124 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
22	37768	352518 LOT: 88 LP: 54201	126 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
23	37769	352518 LOT: 87 LP: 54201	128 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
24	37770	352526 LOT: 1 TP: 134344	130 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
25	37771	352534 LOT: 85 LP: 54201	132 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
26	59072	352542 PC: 373414C	129-133 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00
27	59027	352583 PC: 373438M	125-127 Tamboritha TCE, COONGULLA	1		1	\$7,000.00	\$7,000.00

28	37834	353136 LOT: 242 LP: 54201	WELLINGTON STREET			
29	37835	353136 LOT: 241 LP: 54201	4 Wellington ST, COONGULLA	1	1	\$7,000.00
30	37836	353136 LOT: 241 LP: 54201	6 Wellington ST, COONGULLA	1	1	\$7,000.00
31	37837	353144 LOT: 240 LP: 54201	8 Wellington ST, COONGULLA	1	1	\$7,000.00
32	37838	353151 LOT: 239 LP: 54201	10 Wellington ST, COONGULLA	1	1	\$7,000.00
33	37839	353169 LOT: 238 LP: 54201	12 Wellington ST, COONGULLA	1	1	\$7,000.00
34	37840	353185 LOT: 237 LP: 54201	14 Wellington ST, COONGULLA	1	1	\$7,000.00
35	37841	353185 PC: 109305	16-18 Wellington ST, COONGULLA	1	1	\$7,000.00
36	37842	353193 PC: 351302	24 Wellington ST, COONGULLA	1	1	\$7,000.00
37	37843	353201 LOT: 231 LP: 54201	26 Wellington ST, COONGULLA	1	1	\$7,000.00
38	37844	353219 LOT: 230 LP: 54201	28 Wellington ST, COONGULLA	1	1	\$7,000.00
39	37845	353227 PC: 350527S	32 Wellington ST, COONGULLA	1	1	\$7,000.00
40	37846	353235 PC: 171524K	31 Wellington ST, COONGULLA	1	1	\$7,000.00
41	10451	353243 LOT: 98 LP: 54201	27 Wellington ST, COONGULLA	1	1	\$7,000.00
42	61961	353268 PC: 356973K	23 Wellington ST, COONGULLA	1	1	\$7,000.00
43	37852	353276 PC: 377350F	19-21 Wellington ST, COONGULLA	1	1	\$7,000.00
44	37853	353292 LOT: 1 TP: 192296L	17 Wellington ST, COONGULLA	1	1	\$7,000.00
45	37854	353300 PC: 351838	15 Wellington ST, COONGULLA	1	1	\$7,000.00
46	37855	353326 LOT: 106 LP: 54201	11 Wellington ST, COONGULLA	1	1	\$7,000.00
47	37856	353326 LOT: 107 LP: 54201	9 Wellington ST, COONGULLA	1	1	\$7,000.00
48	37857	353334 LOT: 108 LP: 54201	5 Wellington ST, COONGULLA	1	1	\$7,000.00
49	37858	353342 LOT: 109 LP: 54201	3 Wellington ST, COONGULLA	1	1	\$7,000.00
		353359 LOT: 110 LP: 54201	1 Wellington ST, COONGULLA	1	1	\$7,000.00
TOTALS				44	44	\$308,000.00
TOTAL ESTIMATED COST OF SCHEME						
COUNCIL CONTRIBUTION						\$550,000.00
APPORTIONED AMOUNT						\$242,000.00
						\$308,000.00

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address
Nil
Factor

Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)

WELLINGTON SHIRE COUNCIL
COONGULLA (CENTRAL) CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAX. LEVY AMOUNT - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
MACLAISTER DRIVE								
1	37589	350835 LOT: 296 LP: 55070	2 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
2	37590	350835 LOT: 297 LP: 55070	4 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
3	37591	350850 LOT: 1 PS: 204302	6 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
4	37592	350868 LOT: 2 PS: 204302	8 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
5	37594	350876 LOT: 342 LP: 55070	22 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
6	37595	350892 LOT: 343 LP: 55070	24 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
7	37596	350900 LOT: 344 LP: 55070	26 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
8	37597	350918 LOT: 265 LP: 55070	28 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
9	37598	350926 LOT: 264 LP: 55070	30 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
10	37599	350934 LOT: 263 LP: 55070	32 MacAlister DVE, COONGULLA	1	non-rateable	1	\$3,600.00	\$3,600.00
11	37600	350934 LOT: RES LP: 55070	MacAlister DVE, COONGULLA		non-rateable			
12	37601	350934 LOT: 1 TP: 909203G	MacAlister DVE, COONGULLA		non-rateable			
13	37602	350967 LOT: 91 LP: 54201	19 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
14	37603	350975 PC: 108633	17 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
15	37604	350983 LOT: 94 LP: 54201	13 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
16	37605	350991 LOT: 95 LP: 54201	11 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
17	37606	351007 LOT: 261 LP: 54201	3 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
18	37611	351015 PC: 360823G	1 MacAlister DVE, COONGULLA	1		1	\$3,600.00	\$3,600.00
TAMBORITHA TERRACE								
19	37765	352476 LOT: RES LP: 54201	Tamboritha TCE, COONGULLA		non-rateable			
20	55836	381905 LOT: RES10 LP: 54201	Tamboritha TCE, COONGULLA		non-rateable			
21	62336	352492 PC379245R	122-124 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
22	37768	352518 LOT: 88 LP: 54201	126 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
23	37769	352518 LOT: 87 LP: 54201	128 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
24	37770	352526 LOT: 1 TP: 134344	130 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
25	37771	352534 LOT: 85 LP: 54201	132 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
26	59072	352542 PC: 373414C	129-133 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00
27	59027	352583 PC: 373438M	125-127 Tamboritha TCE, COONGULLA	1		1	\$3,600.00	\$3,600.00

WELLINGTON STREET							
28	37834	353136 LOT: 242 LP: 54201	4 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
29	37835	353136 LOT: 241 LP: 54201	6 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
30	37836	353144 LOT: 240 LP: 54201	8 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
31	37837	353151 LOT: 239 LP: 54201	10 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
32	37838	353169 LOT: 238 LP: 54201	12 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
33	37839	353185 LOT: 237 LP: 54201	14 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
34	37840	353185 PC: 109305	16-18 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
35	37841	353193 PC: 351302	24 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
36	37842	353201 LOT: 231 LP: 54201	26 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
37	37843	353219 LOT: 230 LP: 54201	28 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
38	37844	353227 PC: 350527S	32 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
39	37845	353235 PC: 171524K	31 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
40	37846	353243 LOT: 98 LP: 54201	27 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
41	10451	353268 PC: 356973K	23 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
42	61961	353276 PC: 377350F	19-21 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
43	37852	353292 LOT: 1 TP: 192296L	17 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
44	37853	353300 PC: 351838	15 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
45	37854	353326 LOT: 106 LP: 54201	11 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
46	37855	353326 LOT: 107 LP: 54201	9 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
47	37856	353334 LOT: 108 LP: 54201	5 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
48	37857	353342 LOT: 109 LP: 54201	3 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
49	37858	353359 LOT: 110 LP: 54201	1 Wellington ST, COONGULLA	1	1	\$3,600.00	\$3,600.00
TOTALS				44	44		\$158,400.00
TOTAL ESTIMATED COST OF SCHEME						\$550,000.00	
COUNCIL CONTRIBUTION						\$391,600.00	
APPORTIONED AMOUNT						\$158,400.00	

ABU FACTOR CALCULATION FOR COMMON PROPERTY

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address

Factor

Nil

COONGULLA (CENTRAL AREA) STREET CONSTRUCTION SCHEME SPECIAL CHARGE SCHEME NUMBER 2102

Determination under Sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* – Calculation of Total Amount of Special Charges to be Levied ('Maximum Total Levy')

Introduction

Wellington Shire Council (**Council**) has a legacy of being required to deal with a number of issues associated with sub-standard roads and streets throughout the Shire. A key objective of Council is to renew and improve roads and streets within residential environments with a view to providing proper community infrastructure and improved amenity and liveability, and overall resident satisfaction.

Council has (following a review of its 'Residential Road and Street Construction Plan 2014') adopted the 'Residential Road and Street Construction Plan 2019' (**Plan**). As a strategic policy document, the Plan seeks to provide a sustainable budgetary response to the renewal and improvement of sub-standard roads and streets within residential environments throughout the Shire.

The proposed special charge scheme for part of the Coongulla Township (to be known as the 'Coongulla (Central Area) Street Construction Scheme Number 2102') (**Special Charge or Scheme**) is consistent with, and otherwise supports, the Plan.

This determination is made by Council under and for the purposes of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (**Act**). It addresses the calculation of the 'benefit ratio' in order to determine the total amount of the special charges that may be levied on those property owners who it is considered will receive a benefit from the proposed works through the imposition of the Special Charge (**'Maximum Total Levy'**).

The calculation of the Maximum Total Levy requires Council to –

- Calculate the total cost of the works; and
- Calculate the 'benefit ratio' based on reasonable estimates being made of –
 - i. The 'total special benefits' to the properties included in the Scheme (TSB (in));
 - ii. The 'total special benefits' to the properties not included in the Scheme (if any) (TSB (out)); and
 - iii. The 'total community benefits' (if any) to be provided by the Scheme (TCB).

A. Define Purpose

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction, improvement and surface drainage of specified streets and roads within parts of the Township of Coongulla (collectively, **Streets**).

The Streets are all located within the Township of Coongulla and are otherwise located in a residential area, and currently consist of partially formed (but unsealed) gravel pavements of approximately 850 metres in length (Macalister Ave 380m, Wellington St 300m, Tamboritha Tce 130m), with irregular table drains. The streets are primarily rural-type roads (servicing the Township of Coongulla), with unsealed sections extending for the full length of the streets. The streets are managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to Council's maintenance grading regime, which had applied to the streets. The initial work undertaken by Council in response to these concerns included, the preparation of concept designs and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the streets to a 6.0m width, with kerbing being proposed at intersections of streets, and improved surface drainage and stormwater management, and other improvements.

The construction and sealing of the Streets will reduce Council's need for ongoing maintenance intervention, while providing, in the context and for the benefit of the of the Township overall, a higher level of service for property owners and occupiers, and the general public. Under Council's Road Management Plan, the Streets are designated as 'Local Access B Roads' and (as required by the Plan) 60% or more of property owners have expressed support for the construction and improvement of the Streets.

Consistent with the Plan, it is considered that the 44 rateable properties (being 49 total properties, less 5 non-rateable properties) which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

- Improved amenity and liveability for residents and the local community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists and pedestrians with modern road and path infrastructure, that is less exposed to rapid degradation;
- Decreased maintenance costs incurred by Council, through reduced demand associated with upkeep of poorly constructed roads, streets, drains and paths;
- Increased community satisfaction via the provision of property infrastructure that meets expectations;
- Improved high density development opportunities in existing urban environments.

Following further investigation of potential methods to facilitate the construction works in the Scheme, a further consideration of survey results and further meetings with property owners (who continue to show support for the Scheme), it has been concluded that a Special Charge Scheme, generally in accordance with and supported by the Plan, is the preferred approach to facilitate the project outcomes.

B. Ensure Coherence

The proposed road and drainage improvement works to be located within the Scheme area will provide a special benefit to the rateable property owners located within the Scheme boundaries, and are otherwise physically connected to the purpose set out in A.

C. Calculate Total Costs

The implementation of the Special Charge is regulated by section 163 of Act. Ministerial Guidelines made pursuant to the Act require Councils to be transparent about how they calculate the 'Maximum Total Levy'.

For this project, the Maximum Total Levy has been calculated in accordance with the Act and the Guidelines. The Maximum Total Levy, and other relevant information, is summarised in the table below.

Total Scheme Cost	\$550,000
'Benefit Ratio' Determination	0.56 or 56%
Maximum Total Levy Amount	\$308,000
Further Council Contribution	\$149,600
Revised Maximum Total Levy Amount	\$158,400

D. Identify Special Beneficiaries

It is considered that all 44 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road and surface drainage related special benefits from the proposed works.

The relevant special benefits which it is considered each property will receive are –

- Reduction in dust;
- Enhancement of the amenity and character of the land and local area;
- Creation of improved riding surfaces for the street;
- Improvement in access and egress from properties;

- Improved road drainage; and
- Improved road safety for motorists and cyclists.

The Scheme area (showing the 44 rateable and chargeable properties and the location of the Streets to be constructed) is shown on the plan below.



E. Determine Properties to Include

For the purposes of calculating the Benefit Ratio, a notional benefit value – to be called a Benefit Unit (BU) – will be used. A BU is a deemed benefit equal to the *average* benefit for each and every property included in the Scheme. This average benefit is considered to comprise *both* access and amenity benefits.

It is considered that that all of the properties included within the Scheme will receive a benefit from the works to be provided under the Scheme (that is, and being 1 BU for each property), regardless (for the purposes of calculating the Benefit Ratio, but not for the purposes of the final distribution of the Special Charge amongst the Special Charge contributors) of whether or not particular properties have subdivision or other development potential (or, in some cases, further subdivision or development potential). The BU so chosen has been broken up equally into both access benefits and amenity benefits (viz., 0.5 BU for 'improved access' and 0.5 BU for 'improved amenity').

F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

Total Special Benefits = Total Special Benefits _(in) + Total Special Benefits _(out), that is –

$$(TSB = TSB_{(in)} + TSB_{(out)})$$

TSB _(in) has been calculated as follows –

Total Special Benefit Units In (TSB _(in))	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (92)	0.5 x 44 = 22 BU	0.5 x 44 = 22BU
TSB _(in) =	44 BU	

There are 5 non-rateable parcels of land in the Scheme (being Council land used for various municipal purposes and a Church). These properties are considered to be receiving a special benefit but are not required to pay the Special Charge.

These properties are referred to as **TSB** _(out) properties.

TSB _(out) has been calculated as follows –

Total Special Benefit Units Out (TSB _(out))	Access (50%)	Amenity (50%)
Total number of Non-rateable Properties in Scheme receiving Special Benefit and not being required to pay the Special Charge (4)	0.5 x 5 = 2.5 BU	0.5 x 5 = 2.5BU
TSB_(out) =	5 BU	

G. Estimate Total Community Benefit

In addition to establishing the Total Special Benefits for the Scheme, an assessment of any Community Benefit is also required to be undertaken in order to calculate the Maximum Total Levy.

It is considered that the Community Benefit attributable to the proposed Scheme works will be generated from the broader community receiving some benefits, which benefits (in the interest of fairness and equity) Council should be paying for (and not the Special Charge contributors).

The community benefits are considered to be –

- General improvement in township amenity and liveability;
- General improvement in trafficability of roads serving the Township;
- General improvement in drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

Improved township amenity

The sealing of the roads and the other works to be provided will result in an overall improvement in the amenity and liveability of the Township of Coongulla. Whilst this benefit is very difficult to quantify, it is recommended that **10 BU** be allowed for this benefit, which is however considered to be a general benefit in circumstances where it is otherwise considered that most of the benefits of the works will be received by the abutting properties owners and occupiers, and their visitors.

$$TCB_{\text{township amenity}} = 10$$

Improved trafficability of roads

It is anticipated that there will be some wider community benefit attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the roads for wider access purposes) and in particular Macalister Drive, as the principal access to the Boat Ramp

Despite this, and on the basis that the roads to be improved only service the movement of local traffic within the Township (and do not in any real sense connect into the wider network of public (through) roads for which Council is responsible), the benefits attributable to any broader traffic use of the roads, (over the summer & Easter school holidays) is considered marginal and generally only occurs during these holiday periods.

For this reason, officers have carried out limited traffic studies. It is otherwise considered reasonable for Council to rely on, and be guided by, its own estimates based on Council's own local knowledge and experience. (The traffic volume in Macalister Drive in late November 2020 for a period of two weeks returned a result of 74 vpd).

On this basis, it is recommended that an allowance be made for what may be some increase in traffic movements during holiday periods, accordingly, any projected increase in external traffic will account for the Total Community Benefit, and this will result in the calculation of the following **10 BU's** for any such traffic by the broader community.

Total Community Benefit Units for any broader traffic use of the road is estimated as follows—

$$TCB_{\text{traffic}} = 10$$

Improved drainage and water quality

Sealing of the roads will result in improved surface drainage and better water quality: It is recommended therefore that **5 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$TCB_{\text{drainage}} = 5$$

Reduced ongoing maintenance costs

There will be less ongoing maintenance costs for Council in having to care for and manage sealed roads, rather than unsealed roads: It is recommended therefore that **5 BU** be allowed for this benefit, which is considered to be a marginal benefit.

$$TCB_{\text{maintenance}} = 5$$

Therefore,

$$\begin{aligned} TCB_{\text{total}} &= TCB_{\text{township amenity}} + TCB_{\text{traffic}} + TCB_{\text{drainage}} + TCB_{\text{maintenance}} \\ &= 10 + 10 + 5 + 5 \end{aligned}$$

$$TCB_{\text{total}} = 30$$

It is otherwise noted that the Township has a public hall & parks that supports various community activities, there is a boat ramp for boating access onto Lake Glenmaggie. The public hall is located within the main park/public reserve within the Township, which also includes a playground, tennis courts, barbeque facilities and public toilets.

I. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned}
 R &= \frac{TSB_{(in)}}{TSB_{(in)} + TSB_{(out)} + TCB} \\
 &= 44 / (44 + 5 + 30) \\
 &= 44 / 79
 \end{aligned}$$

Benefit Ratio = 0.56 or 56%

J. Calculating the Maximum Total Levy

The following formula, as set out in the Act, is used to determine the Maximum Total Levy –

$$R \times C = S$$

where –

R is the Benefit Ratio determined by Council;

C is the total Scheme cost; and

S is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.56 x \$550,000 = \$308,000

Council may levy up to 56% of total costs, or \$308,000

K. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$308,000 the special charge contributors would be required to pay by way of special charges amounts which exceed the amounts set out in Council's Residential Road and Street Construction Plan 2019¹.

In the exercise of its discretions, and otherwise in accordance with the Plan (and the objectives which the Plan seeks to achieve), Council chooses to allocate a further amount of \$149,600 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$158,400 (***Revised Maximum Total Levy Amount***).

The Revised Maximum Total Levy Amount is to be apportioned amongst the property owners within the scheme area in accordance with the method of distribution of the Special Charge to be determined by Council in the declaration of the Special Charge.

¹ Refer to section 6.2 of the Plan by which a fixed rate contribution model of \$3,600 has been proposed and adopted by Council for Small and Coastal Towns where sealed roads are to be provided.

13. FURTHER GALLERY AND ONLINE COMMENTS

Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.

This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.

If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.

ONLINE COMMENTS -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.

14. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

IN CLOSED SESSION

COUNCILLOR

That Council move into open session and ratify the decision made in closed session.