

WELLINGTON SHIRE COUNCIL



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

BOGGY CREEK ROAD LONGFORD

PROPOSED DECLARATION

SCHEME No. 1901

SPECIAL CHARGE STREET SCHEME

PROPOSED DECLARATION OF SPECIAL CHARGE

'Boggy Creek Road, Longford - Special Charge Street

Construction Scheme Number 1901'

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 Boggy Creek Road in Longford (**Road**) 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 'Boggy Creek Road, Longford - Special Charge Street Construction Scheme Number 1901'.
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 'rural residential area' of Longford) and, based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Boggy Creek 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 \$316,400 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 \$115,308
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 Road;
- (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 0.677 or 67.7%, 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 \$115,308.

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

**BOGGY CREEK ROAD – LONGFORD
PLAN OF SPECIAL CHARGE SCHEME AREA.**

Scheme Boundary 



Schedule 2

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

WELLINGTON SHIRE COUNCIL

BOGGY CREEK ROAD, LONGFORD (ESTIMATED COST) - MAX LEVY - 50% ACCESS & 50% FRONTAGE

ASSES. No.	PARCEL No.	TITLE DETAILS	STREET ADDRESS	ACCESS BENEFIT UNITS	FRONTAGE	SIDEAGE	TOTAL APPORIONED LENGTH	ESTIMATED COST
BOGGY CREEK ROAD								
1	437012	59620 Lot 2 P3729250	3A Boggy Creek Road LONGFORD VIC 3851	1	2.4	0.00	2.40	\$3,236
2	437020	59621 Lot 3 P3729250	3B Boggy Creek Road LONGFORD VIC 3851	1	2.4	0.00	2.40	\$3,236
3	437004	59619 Lot 1 P3729250	3C Boggy Creek Road LONGFORD VIC 3851	1	2.4	0.00	2.40	\$3,236
4	185439	59034 Lot 1 P3715913	7 Boggy Creek Road LONGFORD VIC 3851	1	37.38	0.00	37.38	\$5,807
5	439851	59037 Lot 4 P3715914	9A Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
6	439851	59038 Lot 5 P3715915	9B Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
7	439851	59036 Lot 3 P3715916	9C Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
8	185421	59035 Lot 2 P3715917	11 Boggy Creek Road LONGFORD VIC 3851	1	191	0.00	191.00	\$17,095
9	440412	60682 Lot 3 P3743726	21A Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
10	437129	60683 Lot 4 P3743727	21B Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
11	437137	60684 Lot 5 P3743728	21C Boggy Creek Road LONGFORD VIC 3851	1	3.33	0.00	3.33	\$3,305
12	440347	60680 Lot 1 P3743729	23 Boggy Creek Road LONGFORD VIC 3851	1	54.22	0.00	54.22	\$7,044
13	391755	51893 Lot 1 P3519802	24 Boggy Creek Road LONGFORD VIC 3851	1	68.51	0.00	68.51	\$8,094
14	442780	60661 Lot 2 P3743731	25 Boggy Creek Road LONGFORD VIC 3851	1	54.22	0.00	54.22	\$7,044
15	391763	51894 Lot 2 P3519802	30 Boggy Creek Road LONGFORD VIC 3851	1	64.47	0.00	64.47	\$7,797
16	185413	9389 Lot 1 P3333595	31 Boggy Creek Road LONGFORD VIC 3851	1	76.32	0.00	76.32	\$8,668
17	391771	51893 Lot 3 P3519802	32 Boggy Creek Road LONGFORD VIC 3851	1	64.39	0.00	64.39	\$7,791
18	404152	55296 Lot 1 P3333597	38 Boggy Creek Road LONGFORD VIC 3851	1	8	0.00	8.00	\$3,648
19	368571	46177 Lot 2 P3333595	41 Boggy Creek Road LONGFORD VIC 3851	1	42.42	0.00	42.42	\$6,177
20	391789	55293 Lot 1 P3610554	44 Boggy Creek Road LONGFORD VIC 3851	1	71.85	0.00	71.85	\$8,340
21	410357	54643 Lot 2 P3602237	46 Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
22	391797	54644 Lot 1 P3602237	48 Boggy Creek Road LONGFORD VIC 3851	1	65	0.00	65.00	\$7,836
23	409466	56036 Lot 7 P3623558	49A Boggy Creek Road LONGFORD VIC 3851	1	58.59	0.00	58.59	\$7,365
24	408542	56037 Lot 8 P3623559	49B Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
25	409458	56033 Lot 5 P3623560	49C Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
26	185185	57239 Lot 6 P3637946	49D Boggy Creek Road LONGFORD VIC 3851	1	58.77	0.00	58.77	\$7,378
27	402040	54648 Lot 1 P3602238	38 Boggy Creek Road LONGFORD VIC 3851	1	60	0.00	60.00	\$7,469
28	391805	54649 Lot 2 P3602238	60 Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
29	391813	55744 Lot 1 P3615490	62A Boggy Creek Road LONGFORD VIC 3851	1	49.19	0.00	49.19	\$6,675
30	185185	57260 Lot 8 P3637946	63 Boggy Creek Road LONGFORD VIC 3851	1	158.41	181.29	212.80	\$18,696
31	408104	55746 Lot 3 P3615490	66 Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
32	407411	55743 Lot 2 P3615490	68 Boggy Creek Road LONGFORD VIC 3851	1	47.76	0.00	47.76	\$6,569
33	409714	56737 Lot 1 P3627981	72 Boggy Creek Road LONGFORD VIC 3851	1	10	0.00	10.00	\$3,795
34	197830	56738 Lot 2 P3627981	74 Boggy Creek Road LONGFORD VIC 3851	1	50.31	0.00	50.31	\$6,757
ROSEDALE - LONGFORD ROAD								
35	206094	12359 Lot 1 LP148952	2620 Rosedale Longford Road	1	0	117.24	35.17	\$5,645
				35	1367.99	298.53	1457.55	\$214,203
TOTAL ESTIMATED COST OF SCHEME					\$316,400			
COUNCIL CONTRIBUTION					\$102,197			
ESTIMATED APPORTIONABLE AMOUNT					\$214,203			
AMOUNT APPORTIONED TO ACCESS - 50%					\$107,102			
AMOUNT APPORTIONED TO FRONTAGE - 50%					\$107,102			
Apportioned Rate - (Access Benefit Units)					\$3,080	per Access Benefit Unit		
Apportioned Rate - (Abuttal Length)					\$73	per Metre		
Contribution Wellington Shire Council					\$221,480	70%		
Contribution Property Owners					-87,277	30%		

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL

BOGGY CREEK ROAD CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX LEVY - ACCESS ONLY

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS	ACCESS BENEFIT UNIT (ABU)	ABU FACTOR APPLIED FOR COMMON PROPERTY	APPORTIONED ABU's	SCHEME CONTRIBUTION RATE	ESTIMATED AMOUNT
BOGGY CREEK ROAD								
1	437012	59620 Lot 2 P0729290	5A Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
2	437020	59621 Lot 3 P0729290	5B Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
3	437004	59619 Lot 1 P0729290	5C Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
4	185439	59034 Lot 1 P0716913	7 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
5	439851	59037 Lot 4 P0716914	9A Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
6	439851	59038 Lot 5 P0716915	9B Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
7	439851	59036 Lot 3 P0716916	9C Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
8	185421	59035 Lot 2 P0716917	11 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
9	440412	60682 Lot 3 P0743726	21A Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
10	437129	60683 Lot 4 P0743727	21B Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
11	437137	60684 Lot 5 P0743728	21C Bogggy Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$6,687.57	\$4,480.67
12	440347	60680 Lot 1 P0743729	23 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
13	391755	31895 Lot 1 P0518802	24 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
14	442780	60681 Lot 2 P0743731	25 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
15	391768	31894 Lot 2 P0518802	30 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
16	185413	5389 Lot 1 P0333595	31 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
17	391771	31895 Lot 3 P0518802	32 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
18	404152	53296 Lot 1 P0333597	38 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
19	368571	46177 Lot 2 P0333595	41 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
20	391789	53295 Lot 1 P0510654	44 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
21	410357	54645 Lot 2 P0502237	46 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
22	391797	54644 Lot 1 P0502237	48 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
23	409466	56036 Lot 7 P0523658	49A Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
24	408542	56037 Lot 8 P0523659	49B Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
25	409458	56035 Lot 5 P0523660	49C Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
26	185165	57259 Lot 6 P0537846	49D Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
27	402040	54648 Lot 1 P0502238	58 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
28	391805	54649 Lot 2 P0502238	60 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
29	391813	55744 Lot 1 P0516490	62A Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
30	185165	57260 Lot 8 P0537846	63 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
31	408104	55746 Lot 3 P0516490	66 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
32	407411	55745 Lot 2 P0516490	68 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
33	409714	56737 Lot 1 P0527881	72 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57
34	197830	56738 Lot 2 P0527881	74 Bogggy Creek Road LONGFORD VIC 3851	1		1	\$6,687.57	\$6,687.57

ROSEDALE - LONGFORD ROAD

35	206094	12359 Lot 1 LP148992	1620 Rosedale Longford Road	1		1	\$6,687.57	\$6,687.57
TOTALS				35		32.03		\$214,203.00

TOTAL ESTIMATED COST OF SCHEME \$918,400
 COUNCIL CONTRIBUTION \$102,197
 APPORTIONED AMOUNT (Max Levy) \$214,208

Apportioned Rate (ABU) \$6,687.57 per access benefit

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 Prop Factor	
5A, 5B, 5C Bogggy Creek Rd	1	2	3	0.67
9A, 9B, 9C Bogggy Creek Rd	1	2	3	0.67
21A, 21B, 21C Bogggy Creek Rd	1	2	3	0.67

Method 3 – Fixed Fee

WELLINGTON SHIRE COUNCIL

BOGGY CREEK ROAD CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAX LEVY - ACCESS ONLY

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS	ACCESS BENEFIT UNIT (ABU)	ABU FACTOR APPLIED FOR COMMON PROPERTY	APPORTIONED ABU's	SCHEME CONTRIBUTION RATE	AMOUNT DUE
BOGGY CREEK ROAD								
1	437012	59620 Lot 2 P57129250	5A Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
2	437020	59621 Lot 3 P57129250	5B Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
3	437004	59619 Lot 1 P57129250	5C Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
4	185439	59034 Lot 1 P57169113	7 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
5	439851	59037 Lot 4 P57169114	9A Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
6	439851	59038 Lot 5 P57169113	9B Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
7	439851	59036 Lot 3 P57169116	9C Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
8	185421	59035 Lot 2 P57169117	11 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
9	440412	60682 Lot 3 P5743728	21A Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
10	437129	60683 Lot 4 P5743727	21B Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
11	437137	60684 Lot 5 P5743728	21C Boggly Creek Road LONGFORD VIC 3851	1	0.67	0.67	\$3,600.00	\$2,412.00
12	440347	60680 Lot 1 P5743729	23 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
13	391755	51893 Lot 1 P5118802	24 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
14	442760	60681 Lot 2 P5743731	25 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
15	391763	51894 Lot 2 P5118802	30 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
16	185413	9389 Lot 1 P33333993	31 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
17	391771	51895 Lot 3 P5118802	32 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
18	404152	55296 Lot 1 P33333997	38 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
19	368571	46177 Lot 2 P33333993	41 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
20	391789	55295 Lot 1 P5610654	44 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
21	410357	54645 Lot 2 P3602237	46 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
22	391797	54644 Lot 1 P3602237	48 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
23	409466	56036 Lot 7 P5623658	49A Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
24	406542	56037 Lot 8 P5623659	49B Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
25	409458	56035 Lot 5 P5623660	49C Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
26	185165	57259 Lot 6 P5637846	49D Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
27	402040	54648 Lot 1 P3602238	58 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
28	391805	54649 Lot 2 P3602238	60 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
29	391813	55744 Lot 1 P5616490	62A Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
30	185165	57260 Lot 8 P5637846	63 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
31	408104	55746 Lot 3 P5616490	66 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
32	407411	55745 Lot 2 P5616490	68 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
33	409714	56737 Lot 1 P5627881	72 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
34	197830	56738 Lot 2 P5627881	74 Boggly Creek Road LONGFORD VIC 3851	1		1	\$3,600.00	\$3,600.00
ROSEDALE - LONGFORD ROAD								
35	206094	12359 Lot 1 LP148992	2620 Rosedale Longford Road	1		1	\$3,600.00	\$3,600.00
TOTALS				35		32.03		\$115,308.00

TOTAL ESTIMATED COST OF SCHEME \$316,400
 COUNCIL CONTRIBUTION \$201,092
 APPORTIONED AMOUNT \$115,308

Apportioned Rate (ABU) \$3,600 per access benefit

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 Propert	Factor
5A, 5B, 5C Boggly Creek Rd	1	2	3	0.67
9A, 9B, 9C Boggly Creek Rd	1	2	3	0.67
21A, 21B, 21C Boggly Creek Rd	1	2	3	0.67

BOGGY CREEK ROAD, LONGFORD – SPECIAL CHARGE STREET CONSTRUCTION SCHEME NUMBER 1901

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 Boggy Creek Road, Longford (to be known as the 'Boggy Creek Road, Longford - Special Charge Street Construction Scheme Number 1901') (**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 drainage of Boggy Creek Road, Longford.

Boggy Creek Road is located within a rural residential area and currently consists of a formed (but unsealed) gravel pavement of approximately 800m in length, with irregular table drains. The road is primarily a rural-type road, with the unsealed section extending for the full length of the road. 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 road. The initial work undertaken by Council in response to these concerns included a site survey, 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 6.2m width, with barrier kerbing being proposed at bends in the road, and improved drainage and stormwater management.

The construction and sealing of Boggy Creek Road 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, Boggy Creek Road is designated as a 'Local Access A Road' and (as required by the Plan) ~~more than~~ 60% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 35 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 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 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 Boggy Creek Road, 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 35 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	\$316,400
'Benefit Ratio' Determination	0.677
Maximum Total Levy Amount	\$214,203
Further Council Contribution	\$98,895
Revised Maximum Total Levy Amount	\$115,308

D. Identify Special Beneficiaries

It is considered that all 35 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 35 properties and the location of the road 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 (35)	$0.5 \times 35 = 17.5$ BU	$0.5 \times 35 = 17.5$ BU
$TSB_{(in)} =$	35 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.

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 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 Boggy Creek Road 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. It is estimated that there are 250 vehicle movements per day on the road (in its present form).

Based on these traffic movements, it is considered that the majority (if not all) of these vehicle movements relate to use by persons who are accessing or servicing the Special Benefit (in) properties the (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 17.5 BU (this is based on approximately 210 vehicle movements per day (35 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 on Boggy Creek Road would not significantly increase, meaning that it is anticipated that there will no additional vehicle movements per day following construction of the road. 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;

$$TCB_{\text{traffic}} = 17.5 \times (210 / 250)$$

$$TCB_{\text{traffic}} = 14.7$$

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.

$$TCB_{\text{drainage}} = 1$$

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.

$$TCB_{\text{maintenance}} = 1$$

Therefore,

$$\begin{aligned} TCB_{\text{total}} &= TCB_{\text{traffic}} + TCB_{\text{drainage}} + TCB_{\text{maintenance}} \\ &= 14.7 + 1 + 1 \end{aligned}$$

$$TCB_{\text{total}} = 16.7$$

H. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned} R &= \frac{\text{TSB}_{(in)}}{\text{TSB}_{(in)} + \text{TSB}_{(out)} + \text{TCB}} \\ &= 35 / (35 + 0 + 16.7) \\ &= 35 / 51.7 \end{aligned}$$

$$\text{Benefit Ratio} = 0.677$$

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)
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0.677 x \$316,400 = \$214,203

Council may levy up to 67.7% of total costs, or **\$214,203**.

J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$214,603 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 \$98,895 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$115,308 (***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 (like Longford) where sealed roads are to be provided.



WELLINGTON SHIRE COUNCIL

Boggy Creek Road, Longford

Scheme No. 1901 - Special Charge Street Construction Scheme

Notice of Intention to declare a Special Charge for the construction of Boggy Creek Road, Longford

In accordance with a resolution of the Wellington Shire Council (Council) made at its ordinary meeting held on 17 December 2019, notice is given that at the ordinary meeting of the Council to be held on 21 April 2020, it is the intention of the Council to declare a Special Charge (Special Charge or Scheme) under section 163(1) of the Local Government Act 1989 (Act) for the purposes of defraying any expenses or repaying (with interest) any advance made to or debt incurred or loan to be raised by Council in relation to the construction of Boggy Creek Road in Longford (Road) 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 'Boggy Creek Road, Longford - Special Charge Street Construction Scheme Number 1901'.

The criteria which will form the basis of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the 'rural residential area' of Longford) and, based on the application of access benefit units (including having regard to the driveway access of those properties in the Scheme to Boggy Creek Road), 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.

The Council considers that each rateable property included in the Scheme area that is liable or required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works will –

- Reduce dust
- Enhance the amenity and character of the land, and local area;
- Create improved riding surfaces for the Road;
- Improve access and egress from properties;
- Improve road drainage; and
- Improve road safety for motorists, cyclists.

In performing functions and exercising powers in relation to the peace, order and good governance of the municipal district of the Shire of Wellington, in particular, the provision of proper, safe and suitable roads and property services in the area for which the proposed Special Charge will be declared, the Council intends to spend an amount of \$316,400, being the estimated cost of the works to be undertaken, and to levy by way of the Special Charge an amount of \$115,308.

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.

For the period of the Scheme, the Special Charge will be assessed by Council as (and the respective charges (being \$3,600 or \$2,142) 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 upgraded 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 ABU calculated on the basis of 100% for the first property and 50% for each additional property. The ABU 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.)

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 below.

Because the performance of the function and the exercise of the power in respect of which the Special Charge is to be declared and levied relates substantially to 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.

Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge. There will be no incentives given for payment of the Special Charge before the due dates for payment.

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, the Council considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act 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 benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 0.677 or 67.7%. This is also on the basis 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 \$115,308.

Copies of the proposed declaration of the Special Charge and a detailed plan of the Scheme area are available for inspection at the Wellington Shire Council Offices, 18 Desai Street, Sale 3850 during normal business hours for a period of at least 28 days after the date of the publication of this notice.

Any person may make a written submission to the Council under sections 163A and 223 of the Act. In addition, any person who will be required to pay the Special Charge to be imposed by the proposed declaration has a right to object to the proposed declaration and may also make a written objection to the Council under section 163B of the Act.

Written submissions to be submitted to the Council under section 223 of the Act and/or written objections to be lodged with the Council under section 163B of the Act must be received by the Council by 5pm on 7 February 2020. Submissions and/or objections must be in writing and addressed and sent by mail to the Chief Executive Officer, Wellington Shire Council, PO Box 506, Sale VIC 3850.

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

Any person making a written submission under section 223 of the Act is advised that the Council is no longer required to make available for public inspection submissions received in accordance with section 223 of the Act. Accordingly, all submissions will be handled as authorised or required by law, including under the Privacy and Data Protection Act 2014, and submissions and/or objections may, as Council sees fit, become available for public inspection.

Council will consider any written submissions and take into account any objections in accordance with sections 163A, 163B and 223 of the Act.

Any person requiring further information concerning the proposed declaration of the Special Charge should in the first instance contact Tilo Junge on telephone 1300 366 244 or 5142 3217 or email tilo.junge@wellington.vic.gov.au

David Morcom
Chief Executive Officer