

NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE FOR THE CONSTRUCTION OF A PART OF CAMPBELL STREET BETWEEN CLIFTON AND BURY STREETS, AND A PART OF THE WESTERN SECTION OF PALMER AVENUE, EUROA

In accordance with a resolution of the Strathbogie Shire Council (**Council**) made at its Ordinary meeting held on Tuesday 19th September 2017, notice is given that at the Ordinary meeting of the Council to be held on Tuesday 21st November 2017, it is the intention of the Council to declare a Special Charge (**Special Charge**) under section 163(1) of the Local Government Act 1989 (**Act**) for the purpose of defraying expenses incurred or to be incurred by Council in relation to the provision of kerb and channel, nature strips and constructed driveways in part of Campbell Street and part of Palmer Avenue, Euroa (**Road or Scheme**). A plan of the Scheme area is available for inspection at the Council offices during normal business hours.

The criteria which forms the basis of the Special Charge is the ownership of rateable land in the area of the Scheme which, based on frontage (modified where appropriate), has and enjoys an abuttal to or access from the Road.

The Council considers that each rateable property included in the Scheme area that is required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads and property services.

In performing functions and exercising powers in relation to the provision of proper, safe and suitable roads and property services in the area for which it is proposed the Special Charge will be declared, the Council intends to spend an amount of **\$45,211.46** being the estimated cost of the works to be undertaken and to levy by way of the Special Charge an amount of **\$45,211.46**.

The special charge will commence on 1st July 2018 and will remain in force for a period of 10 years.

For the period of the Scheme, the Special Charge will be assessed by calculating a Special Charge that is based on the length of the frontage of the properties and the area of the driveway access which a property included in the Scheme has to the road.

The Special Charge will be levied by the Council sending a notice of levy annually to the persons who are liable to pay the Special Charge.

Because the performance of the function and exercise of the power in respect of which the Special Charge is to be declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan given to ratepayers which will require: -

- that quarterly instalments are to be paid over a 10 year period, or as otherwise negotiated; and
- that quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimate borrowing costs of Council in respect of the construction of the Road by more than 1%.

The Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge. There will not be 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 that the estimated proportion of the total benefits of the Scheme to which the performance of the function and exercise of 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 1:1 or 100%. This is on the basis that, in the opinion of the Council,

there are no properties in the Scheme area which receive special benefit and which are not required to pay the Special Charge, and there are no clear, tangible and direct broader Community benefits.

Copies of the proposed declaration and the proposed special charge liabilities for affected properties are available for inspection at the offices of the Strathbogie Shire Council, 109A Binney Street, Euroa, during normal business hours for a period of least 28 days after the publication of this notice.

Any person may make a written submission to the Council under sections 163A and 223 of the Act.

An 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 under section 163B of the Act must be received by the Council by 5pm on Thursday 26th October 2017. Submissions and/or objections must be in writing and addressed and sent by mail to the Chief Executive Officer, Steve Crawcour, 109A Binney Street, Euroa, 3666.

Any person who has made a written submission under section 223 of the Act and has requested to be heard in support of their written submission is entitled to appear in person or to be represented by a person specified in the submission before Council at a Special Council meeting to be held at 5pm on Tuesday 31st October 2017.

Any person making a written submission under section 223 of the Act is advised that under regulation 12 of the *Local Government (General) Regulations 2015*, the Council is required to make available for public inspection all submissions (including personal information) received in accordance with section 223 of the Act during the previous 12 months. Details of submissions may also be included within the official Council Agendas and Minutes which are public documents and which may also be made available on Council's website.

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

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact Roy Hetherington, Director Asset Services, (03 5795 0000).

Steve Crawcour

CHIEF EXECUTIVE OFFICER