



AGENDA  
of the  
SPECIAL MEETING OF COUNCIL  
to be held on  
MONDAY 21 JANUARY 2013  
in the  
ALEXANDRA COUNCIL CHAMBERS  
commencing at  
6.00 pm

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**1. PRAYER****2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. DISCLOSURE OF INTEREST OR CONFLICT OF INTEREST**

File No: 12/01/05

**4. HEARING OF SUBMISSIONS****5. SPECIAL CHARGE SCHEME – PROPOSED ROAD CONSTRUCTION, PART GREEN STREET, ALEXANDRA**

File No. 52/03/79

(Refer Encl 5a - Public Notices and Encl 5.b – copy of submissions)

***Purpose:***

This report is presented to enable Council to consider submissions received under Section 223 of the *Local Government Act 1989* (the Act) related to the proposed declaration of a Special Charge Scheme

***Recommendation:******That Council:***

- 1. Receive the submissions to the Proposed Road Construction, Part Green Street, Alexandra Special Charge Scheme for consideration.**
- 2. Consider determining whether to declare the Special Charge Scheme at its Ordinary Meeting to be held on 23 January 2013.**

***Background:***

Council resolved at its Ordinary meeting on 24 September 2012 its intention to declare a Special Charge Scheme for the road construction of a section of Green Street, Alexandra.

The resolution by Council commenced the statutory process of the project which invited submissions from property owners regarding the proposed Special Charge Scheme.

Council advertised for written submissions to the proposed scheme in the week starting 5 November 2012. Submissions closed on 10 December 2012.

Council is required to consider submissions received and to hear persons who, in their written submissions, under section 223 of the Act have requested that they be heard before it resolves whether or not to declare a special charge with regard to such works.

As Council is to levy an amount that does not exceed two thirds of the total cost the affected ratepayers do not have objection rights under section 163(B) of the Act.

The submissions have been summarised with 4 received from five of the fifteen property owners (two property owners provided a joint submission). Three property owners were in opposition and two property owners were supportive.

It should be noted however that the two property owners providing a joint supporting submission have previously paid a contribution toward the sealing of the road as part of planning permit conditions issued on the 6 May 2002.

**Council Plan/Strategies:**

The proposed project is consistent with the Murrindindi Shire Council Plan 2009-2013 Year 3 Review:  
Strategic Objective

‘To enhance the sustainability of our infrastructure, recognising the changing needs and expectations of our communities.’

**Legal/Policy Issues:**

The Local Government Act 1989 requires Council to follow a specific process in declaring a scheme and Council currently has a policy in relation to Special Charge Schemes. The ministerial guideline on special rates and charges sets out a preferred process for preparation of a scheme.

**Financial/Resources/Risk:**

Council has budgeted \$216,300 of expenditure, \$108,150 from rates and \$108,150 funded from contribution by properties within the scheme.

Estimated charges for each property are an indicative contribution only and apportionment has been revised to ensure equitable imposition of charges. The final charge per property will be advised when costs have been finalised.

Two properties have had part of the works completed previously as a subdivision requirement and have paid a contribution for road sealing as a condition of a prior planning permit. These funds have been held in trust.

**Discussion:**

In response to the public notice four written submission were received (on behalf of five property owners) within the statutory time frame, copies of which are attached for consideration by Council.

Issues raised in the submissions are summarised in the following table:

<b>Submitter DC Ref No.</b>	<b>Content of submission</b>	<b>Officer response</b>
Joint submission DC 9198	<p><i>‘whilst we all support the sealing of Green Street, we consider that any contribution to the kerb and channel, driveway and the sealing of the road has already been paid for, and thus no contribution will be required from either of these properties’</i></p> <p>NB: Submitters have requested confirmation that the proposed works requires no further contribution.</p>	<p>Works have been carried out. Includes kerb and channel, driveways and road sealing.</p> <p><i>Contribution has been made as part of 2002 planning permit condition. No further contribution would be required.</i></p>

<b>Submitter DC Ref No.</b>	<b>Content of submission</b>	<b>Officer response</b>
DC 9271	<p><i>"Strongly disapprove of it"</i> (the special charge scheme) the reasons given being:</p> <ul style="list-style-type: none"> <li>• A pension and no other income</li> <li>• Cannot afford the money</li> </ul>	<p>The charge is against the property.</p> <p>In accordance with Section 167 of the Act Council must provide an instalment plan for instalments to be paid over a period of at least 4 years.</p>
DC 10117	<p><i>"object to the special charge scheme"</i> the reasons given being:</p> <ul style="list-style-type: none"> <li>• Property has no access from Green Street</li> <li>• It is an existing road within the Shire not a new estate</li> <li>• Green Street is well established Council has had plenty of time to surface the road</li> <li>• Should have been a condition of other new estate's planning approvals as it is the obvious way to access the new residents</li> <li>• Does not believe owners should pay for works and works should have been carried out when houses were built.</li> <li>• Cannot afford to pay additional charge above rates/rates increase</li> </ul>	<p><i>Noted</i></p> <p>The charge is against the property.</p> <p>In accordance with Section 167 of the Act Council must provide an instalment plan for instalments to be paid over a period of at least 4 years.</p> <p>Residents in new subdivision have already provided a contribution as a planning permit condition.</p>
DC 10139	<p><i>"...think the monies could be better spent elsewhere"</i></p> <ul style="list-style-type: none"> <li>• Has been dirt for 100-150 years</li> <li>• Better spent on preventative maintenance</li> <li>• Will burden householders with more debt</li> <li>• Project not a critical one for Shire</li> </ul>	<p>Scheme documents including costing were made available for inspections on the web site and Council offices.</p> <p>Council is required to seek quotation by open public tender. If tender sums are not with the expected costing, a contract may not be let for the works without further consultation.</p> <p>Where final scheme costs are less than actual costs contributions will be reduced accordingly.</p>

Note: The DC (document control) number is the internal reference assigned to correspondence from the property owner.

**Consultation:**

The public notice was placed in the relevant newspapers on the 7 November 2012. Letters were sent to land owners affected by the proposed scheme with copies of the notice following its publication.

Copies of the scheme documents were placed on the council web site and at the Alexandra Office customer service centre. A Copy of the scheme documents are attached to this report.

**Conclusion:**

Council must consider the submissions and presentations by submitters who have requested to be heard thereby complying with section 223 of the Local Government Act.

Following the Special meeting Council will need to decide whether or not to declare the Green Street Special Charge Scheme. This will occur at the Ordinary Meeting of Council on the 23 January 2013.