(AT-4) - ATTACHMENT 4

PROPOSED DECLARATION OF SPECIAL CHARGE FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING ROADS AND DRAINAGE ALONG THE ESPLANADE (SUNDERLAND BAY ROAD TO ZEPHYR COURT), SUNDERLAND BAY

1. Bass Coast Shire Council (**Council**) at the 15 July 2026 Council Meeting proposes to declare a Special Charge (**Special Charge**) under section 163(1) of the *Local Government Act* 1989 (**Act**), and otherwise according to law for the purpose of defraying costs and expenses incurred and/or to be incurred by Council in relation to the construction and improvement of roads and drainage along The Esplanade (Sunderland Bay Road to Zephyr Court), Sunderland Bay situated within the municipal district of the Council (**Street**), such works involving the full upgrade of roads and drainage, including the provision of road pavement and sealing works, the provision of underground surface and storm water drainage in the Street, the provision of kerb and channelling, nature strip works, road narrowings for local traffic management and other ancillary works necessary to complete the construction of the project known as the 'The Esplanade (Sunderland Bay Road to Zephyr Court) Special Charge Scheme' otherwise in accordance with the concept plans approved by Council at the 18 February 2026 Council Meeting (**Scheme**). So far as can be reasonably ascertained from available records of the Council and can reasonably be concluded, Council has ascertained that the roads or any component of the roads for which it is proposed the Special Charge will be declared have not previously been constructed by way of a special rate or charge.

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

3. Council considers that –

   (a) each rateable property included in the Scheme area that is liable to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads, drainage and property services; and

   (b) there will be a special benefit to the persons liable to pay the Special Charge because there will be a benefit over and above, or greater than, the benefit to persons who are not subject to the Special Charge and, directly and indirectly, the works to be provided will enhance or maintain the value and the use, occupation and enjoyment of the properties included in the Scheme, through the provision of proper, safe and suitable roads and drainage and property services.

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 Council, in particular the provision of proper, safe and suitable roads, drainage and property services in the area for which it is proposed the Special Charge will be declared.

5. The total cost of the performance of the functions and the exercise of the powers referrable to the Scheme (and the amount which the Council intends to declare and levy) is an amount of **$1,741,550** (being the estimated cost of the Scheme works to be undertaken) with Council intending to declare and levy by way of the Special Charge an amount of **$524,033**, but excluding other related costs (which will be borne solely by Council) totalling **$108,000** for downstream drainage works.

6. The Special Charge will commence on and from the making of any Council decision to declare the Special Charge and will remain in force until such time as the Special Charge has been paid in full.

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

8. The area for which the Special Charge is to be declared is all the land shown on the plan set out in the Schedule attached to and forming a part of this proposed declaration of Special Charge (being Schedule 1).

9. The land in relation to which the Special Charge is to be declared is all the rateable land described in the list of rateable properties set out in the Schedule attached to and forming a part of this proposed declaration of Special Charge (being Schedule 2)**.**

10. The Special Charge will be declared, assessed and levied in accordance with the amounts set out alongside each property in the Schedule attached to and forming a part of this declaration (being Schedule 2), such amounts having been assessed based on the criteria set out in paragraphs 2 and 7.

11. The Special Charge will be levied by the Council sending a notice of levy to the persons who are liable to pay the Special Charge. Incentives will be given for payment before the due date for payment as set out below. The levy notice to be sent will include four options for payment which are as follows –

    (a) Payment Option 1: Lump Sum Payment – upfront payment of the Special Charge in full within 30 days of the date of issue of an invoice, with a 5% discount and no interest.

    (b) Payment Option 2: Lump Sum Payment – upfront payment of the Special Charge in full within 90 days of the date of issue of an invoice, with no discount and no interest.

(c) Payment Option 3: Instalment Payment Plan – payment of the Special Charge in 40 quarterly instalments over 10 years, with interest. Interest will be charged on the reducing balance of the principal each quarter at the rate of 1% above the estimated borrowing costs of the Council. If a ratepayer is late with payment of an instalment, penalty interest will be charged on the balance of principal due each quarter.

(d) Payment Option 4: Hardship Payment Plan - a payment plan, extended beyond 10 years to a maximum of 20 years, tailored to the individual needs of the ratepayer upon receipt of a completed Financial Hardship Application Form. Interest will be charged on the reducing balance of the principal each quarter up to the maximum rate of 1% above the estimated borrowing costs of the Council. This option is subject to the Council assessing the property owner as experiencing financial hardship, in accordance with the Council's Hardship and Financial Hardship Policy.

Ratepayers who elect to pay by instalments will receive subsequent quarterly instalment notices.

12. Because the performance of the functions and exercise of the powers in respect of which the Special Charge is to be declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being available to ratepayers (being 'Payment Option 3: Instalment Payment Plan'), which will allow ratepayers to pay the Special Charge by 40 quarterly instalments over a 10 year period or as otherwise negotiated, or (being 'Payment Option 4: Hardship Payment Plan') which will allow ratepayers to pay the Special Charge over a maximum of 20 years, or as otherwise negotiated. Quarterly instalments will include a component for reasonable interest costs, which will be charged at the rate of 1% above the estimated borrowing costs of Council in respect of the construction of the roads and the provision of the drainage works.

13. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, the Council considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act (and in accordance with the Benefit Ratio Statement adopted by Council) that the estimated proportion of the total benefits of the Scheme to which the performance of the functions and exercise of powers relate (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 0.3009 or 30.09%.

14. Any declaration of the Special Charge will expire if the Special Charge is not levied to each person liable to pay it within 12 months after the day on which the declaration which relates to the Special Charge is made.