

# Special Rates and Special Charges Scheme

## COUNCIL POLICY NO. 090

### 1. POLICY PURPOSE

To provide guidance on how Council will implement and administer a Special Rate or Special Charge Scheme.

### 2. SCOPE

This policy applies to all Special Rates and Special Charges declared by Council under the *Local Government Act 1989* (the Act) – section 163.

### 3. DEFINITIONS

Refer to specific definitions in the *Local Government Act, 1989*

### 4. POLICY

#### 4.1. Request for a Special Rate or Special Charge

**4.1.1. Infrastructure Projects** – requests for a special rate or special charge for a new infrastructure project or the upgrading of existing infrastructure will be considered by Council in response to a request from the public, Councillors or Council Officers.

**4.1.2. Marketing, Promotion, Development** - requests for a special rate or special charge for marketing, promotion or development will only be considered by Council in response to a request from a business association within the Gannawarra Shire.

#### 4.2. Beneficiary Principles

The beneficiary principles set out in Appendix A to this policy will provide guidance for Council to work out a fair apportionment of costs for all participants in special rates or charges schemes.

#### 4.3. Council Contributions

Council will contribute as follows to special rates or special charges schemes:

Nil	Where there will be no benefit to the community, unless a Council owned property is included in the scheme.
Case by case assessment	Council will contribute to a special rates or special charges scheme in accordance with its statutory and legal obligations in accordance with the Act.

- 50% For construction of a standard footpath servicing a residential area - where there is a community benefit that is less than or equal to this contribution; in recognition of use by other residents and to promote footpath linkages between residential areas.

#### **Discontinued Schemes**

If a special rate or special charge scheme does not proceed due to lack of support during the initial assessment stage, or is discontinued as a result of objections or appeal, then the project or work will not be re-investigated for two years unless circumstances change significantly.

#### **4.4. Payment of Special Rates and Charges**

- a. Notices requesting payment will generally be raised after the service or works are complete unless Council specifies otherwise.
- b. Council will provide reasonable opportunity for payment of special rates and charges. Special rate or charge levies will be payable by:
  - i. lump sum in full within 30 days after the date of issue of the notice; or
  - ii. quarterly instalments over a period of years as set by Council for each scheme, but not exceeding 5 years.
- c. Council will encourage contributors to a scheme to utilise private lending options to enable the lump sum in full payment to be made.
- d. Applications for relief or assistance due to hardship will be considered in accordance with Council Policy No. 34 - Rate Relief.

#### **4.5. Application of Interest**

- a. Interest will be charged from the due date in accordance with Council Policy No. 25 – Outstanding Debt.

## **5. REFERENCES/LEGISLATION**

*Local Government Act 1989* – section 163

Special Rates and Charges Ministerial Guidelines – September 2004

## **6. POLICY REVIEW**

Council will review this policy as required but always within two years after a general election of the Council.

At the time it was reviewed, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **7. FURTHER INFORMATION**

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at [www.gannawarra.vic.gov.au](http://www.gannawarra.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Director Corporate Services on (03) 5450 9333.

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22/04/2009

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To be reviewed: 2022

Minute Book Reference: 6940

Minute Book Reference: 7410

Minute Book Reference: 11082

Minute Book Reference: 12692

## APPENDIX A – BENEFICIARY PRINCIPLES

Type of Project or Infrastructure	Category	Deemed Beneficiaries	Benefit Calculation Principles	Apportionment Principles
Footpath  Shared Pedestrian / Bicycle Path	Access street, road or place.	Abutting and opposite properties (except where a path exists opposite and has been contributed to by opposite owners). Properties directly serviced by path. Council for non-rateable properties.	Benefit based on access and amenity in proportion to reason for construction. Access based on relative volume of pedestrian volume. Amenity based on relative length of path across property. Community benefit based on volume of through pedestrian traffic.	Determined by proportion of property frontage to path. Beneficiary contribution limited to standard width of footpath (1.5 metres) with additional width being paid for by Council. Path thickening at driveways (to 1.5 metres width) are full responsibility of each property.
	Arterial road.  Commercial and industrial areas.	Abutting properties only, due to the need to have paths on both sides. Properties directly serviced by path. Council for non-rateable properties.	Benefit based on access and amenity in proportion to reason for construction. Access based on volume of pedestrian traffic. Amenity based on relative length of path across property. Community benefit based on volume of through pedestrian traffic.	Determined by proportion of benefit gained by the property from the works. Contribution limited to standard width of footpath (1.5 metres) with additional width being paid for by Council. Path thickening at driveways (to 1.5 metres width) full responsibility of each property.
Urban Drainage	Property drainage	Properties either discharging storm water into the drain or receiving protection from storm water runoff by the drain. Council for non-rateable properties.	All beneficiaries to receive same weighting. Nil community benefit.	Determined by relative area of each property drained or protected by drain.

	Outfall drainage	Properties either discharging storm water into the drain or receiving protection from storm water runoff by the drain. Council for non-rateable properties.	All beneficiaries to receive same weighting. Community benefit based on additional capacity costs over identified scheme beneficiaries.	Determined by relative area of each property drained or protected by drain.
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Type of Project or Infrastructure	Category	Deemed Beneficiaries	Benefit Calculation Principles	Apportionment Principles
Marketing/Promotion Program	Retail/Commercial Industrial	Properties which will receive an identifiable benefit from program, given use and type of business.	Benefit based potential for financial benefit, given relative existing and potential size of business	Capital Improved Value of property.
Provision of Services	Retail/Commercial Industrial Residential	Abutting properties. Properties which will receive an identifiable benefit from the program, given the use and type of business.	Benefit based on the potential for financial, amenity or access benefit given relative existing and potential size of business or residence. Community benefit based on the benefit to the Community outside the Scheme boundary.	Determined by relative type and proximity of business, as well as service usage.