

## **FRANKSTON CITY COUNCIL**

# **CONTRIBUTORY SCHEMES POLICY (2019)**

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**SPECIAL RATES AND CHARGES**

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# ADMINISTRATION POLICY

## SPECIAL RATES AND CHARGES POLICY

### 1. INTRODUCTION

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects by special rates and charges, providing works and services authorised under the Local Government Act 1989 and as a guide for the equitable distribution of costs between Council and property owners obtaining a special benefit. It is intended that community consultation and participation will play a large part in the development of specific projects, and that many proposals will only be implemented if they have the strong support of property owners.

The Local Government Act 1989 was introduced into State Parliament in November 1988 and is founded on two fundamental principles: that local government should have greater autonomy and should be democratically accountable to its community. The special rates and charges provisions of Section 163 of Part 8 of the Local Government Act 1989, unlike the Local Government Act 1958, are not prescriptive and provide Councils with modern progressive powers free from the previous legislative restraints. These powers were designed to enable Councils to raise funds, effectively manage their assets and defray expenses in relation to activities or works which are of special benefit to part of the municipality, by the equitable imposition of rates and charges.

Special rates or charges can be used to recover costs of Council performing a function or providing services this includes community facilities, studies/strategies, promotional marketing, purchase of properties, carparking etc, as well as the traditional Capital Works items, i.e. road construction, drainage, footpath, etc.

Specific guidelines for determining benefit and thus the apportionment of cost are included as appendices to this document. Appendix A provides guidelines in respect of schemes with which Council has had experiences, for example:

- Road Construction
- Drainage Construction
- Off Street Carparking Areas

### 2. SCHEME INITIATION

Council has a “priority list”, commenced in 2002/03, to implement schemes for unconstructed roads on the basis of rankings of factors including road hierarchy, condition, traffic frequency, safety and maintenance. Road schemes will be implemented generally in order of such listing, subject to over-riding issues in specific cases.

Recently a review of this list was undertaken with the most recent traffic counts, accident statistics, maintenance frequencies and resident requests / complaints. This list is attached as Appendix C.

Otherwise, the Special Rate or Charge process may be initiated by Councillors, members of the public, residents within the area, Council Officers or as a result of complaints from officers of Statutory Authorities with services in the area or providing service to the area. The final outcome of many proposals will depend to a large degree on community support, and in some instances Council may not proceed following formal public consultation, where at least majority support has not been adequately demonstrated.

If a resident or members of the public wish a Scheme to be initiated, they need to demonstrate at least 50% support from property owners who would be involved in the Scheme.

## **2.1 Preliminary Consultation and Report**

Except for the case where the process has been initiated by a petition or a joint letter containing signatures of at least two thirds majority of potential contributors, the Responsible Officer shall circulate a questionnaire to identify the potential contributors and their level of support for a Scheme.

Having allowed fourteen (14) days for reply, the Responsible Officer shall prepare a preliminary report to the subsequent Council Meeting which may address the following:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- any previous proposals which may have been abandoned or unsuccessful;
- the circumstances which may exist whereby the considerations of safety or other matters override all other considerations;
- the need for the Scheme taking into account matters of health, safety and amenity;
- identifications of the likely beneficiaries of the Scheme;
- options for the scope, staging and funding of the Scheme;
- preliminary estimated basis for apportionment;
- a recommendation to Council to either proceed with the Scheme in recognition of the significant and justifiable level of support or because of compelling reasons relating to issues of safety, health or amenity or not to proceed due to a lack of support; and
- any ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

## **2.2 10-year Capital Works Program**

Following a resolution by Council to proceed with the Scheme, a preliminary estimate would be referred to the 10 Year Capital Works Program. When funding (if necessary)

becomes available for the project, the Scheme could continue. Note that the typical timeframe for a project, from preliminary concept plan stage to construction stage is 3 to 4 years.

### **3. DETAILED SCHEME PREPARATION**

Following Council's resolution to proceed with the Scheme, and process listing on the 10 Year Capital Works Program, the final design, estimates and apportionments shall be prepared. The officer responsible for the detailed preparation of the Scheme shall maintain a high level of consultation with parties to be affected by the proposal.

#### **3.1 Formal Public Consultation**

Following resolution by Council to proceed, a letter shall be sent to all parties likely to be affected which may include:

- reference to the preliminary report including an indication of cost to potential contributors;
- an explanation of the basic principles of the Scheme and the future steps leading to its finalisation;
- the name of a Council Officer for contact in regard to individual enquiries;
- concept options and associated preliminary estimates;
- advice that a public meeting may be called to discuss designs; and
- advice that, if necessary, a committee, including representatives of potential contributors, may be formed to provide input into the functional and conceptual aspects of the Scheme.

#### **3.2 Financing Arrangements for Special Charge Schemes**

It is in the interests of both Council and residents to provide the opportunity for payment options for residents required to contribute to Special Rate or Charge Schemes.

As indicated in Appendix B of this policy document, residents have a number of payment options. Once Council levies a Scheme, contributing residents will be required to notify Council which payment option is required. As most residents will most likely to request payment by instalments, Council will be required to borrow to fund the Scheme.

Council may borrow on the security of a Special Rate or Charge, to enable it to perform the functions and exercise the powers under the Local Government Act, but the amount must not exceed the estimated income from Special Rate or Charge (s. 139 (5)). This section was most likely intended to enable Councils to undertake works pending full payment of owner contributions (s. 140).

Within the provisions of the Local Government Act, Council could resolve to borrow specifically to implement each proposed Special Charge or Rating Scheme. This decision should be taken following public consultation and completion of preliminary design, estimates and apportionment of costs, but prior to Council resolving to declare a

Special Rate or Charge. Any borrowings under the LGA (s. 139 (5)) are not required to be included in the Budget (s. 145 (1)) although they will impact on Council's prudential ratios.

By borrowing for specific Special Rate or Charge Scheme projects, Council would negotiate a fixed interest loan package and structure the levying of the Special Rate or Charge over a period of time with a number of specified due payment dates. This would in effect give residents an instalment payment option. However, residents would be exposed to the Penalty Interest Rate on payments not made by the due dates.

The benefits of deferring the decision on borrowing for specific projects until after public consultation and completion of preliminary design, estimates and cost apportionment are:-

- greater certainty of costs.
- greater certainty of residents preferred payment requirements.
- the ability to negotiate a project specific fixed interest loan package inclusive of any break or other costs.
- Council's borrowing will be secured against the special rate or charge, and ultimately against the property.

Council would not be exposed to any financial risks.

Whilst Council can defer or waive payment of rates and charges (s. 170 & 171) in case of hardship, Council is not able to provide residents with instalment payment options at interest rates other than that prescribed under the Penalty Interest Rate Act. Council is able to exempt any person from paying all or part of any interest (s. 172 (3)), although Council would require a clear basis for considering exemption under this provision. There is no provision in the Local Government Act to vary the interest rate.

Loan borrowings to fund Special Charge or Rate Schemes or a project specific basis would be structured such that Council would not be exposed to any financial risks.

The use of loan funds to implement Special Charge or Rate Scheme projects will provide residents with a cost effective and flexible means of meeting their contribution obligations without exposing Council to any financial risks. The arrangement will need to be carefully structured to ensure Council was not acting ultra vires. This represents an important and socially responsible service to residents impacted by such Schemes.

## **4. STATUTORY REQUIREMENTS FOR SCHEME ADOPTION**

### **4.1 Notification of Declaration**

Prior to the declaration of a Special Charge Scheme, a Public Notice of the proposed Declaration will be required, at least 28 days prior to the making of Declaration (s. 163 (1A)).

The Public Notice will take the form of a notice in the local newspaper, a metropolitan Melbourne wide newspaper (e.g. The Age), a notice in Council's Website and letters to all property owners involved in the Scheme.

The Public Notice must (s. 163 (1B)):

- contain an outline of the proposed declaration;
- set out the date on which it is proposed to make declaration;
- advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of notice; and
- advise that submissions made in accordance with Section 223 and objections under Section 163B of the Local Government Act 1989 will be considered by Council or a Council Committee.

## **4.2 Public Notice**

Following the intention of Council to declare the Special Rate or Charge a notice shall be published in a newspaper generally circulating in the municipal district of the Council chosen by the Council, in a newspaper generally circulating within metropolitan Melbourne and on Council's Website for the purpose of setting out the proposed Declaration and stating that submissions will be considered in accordance with Section 163B and Section 223 Local Government Act 1989. A copy of the public notice shall be mailed to each affected property owner.

The Responsible Officer shall ensure that copies of the advertisement are retained on file as confirmation that the notice was given.

## **4.3 Consideration of Submissions**

Written submissions received by Council within the time prescribed in the public notice will be considered by either Council or a Committee of Council comprising Ward Councillors, the relevant Director and any other interested Councillors. Personal appearances to support written submissions will be encouraged, however, submitters must state their desire to appear before Council or the Committee in their written submission. A person entitled to speak may be represented by another person with written authorisation.

After the Committee considers all submissions, it will make a recommendation to Council for a final decision.

## **4.4 Council Resolution Following Submissions**

Following consideration of submissions and the Committee's recommendation if established Council may resolve to:

- abandon the Scheme by not giving effect to the proposed declaration to levy the Special Rate or Charge or;
- prepare a new Special Rate or Charge Scheme due to the need to significantly modify the original Scheme, thereby requiring the process to be recommenced or;

- proceed with or without minor variation to the original Declaration.

**Note:** Any variation in the amount of the proposed rate or charge of more than plus 10% of the amount specified in the original notice will require the scheme to be returned to Council for consideration of a new declaration.

All persons making submissions and all parties affected by the Scheme shall be advised of Council's resolution.

In the circumstance that no submissions are lodged, Council may resolve to declare and levy the Special Rate or Charge.

#### **4.5 Declaration of Special Rate or Charge**

Following the Scheme preparation, the Responsible Officer shall provide a report to Council which will contain a recommendation to Declare a Special Rate or Charge. This report will include:

- the objectives of the proposal specifying why the works are proposed and who the beneficiaries will be;
- the detailed design plans defining the scope of the Scheme;
- a recommendation for the use of a Special Rate, a Special Charge or the combination of both; and
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.

The resolution for Council to Declare a Special Rate or Charge shall include:

- the period the Special Rate or Charge remains in force;
- the purpose of the Special Rate or Charge;
- a specification of the wards, groups, users or areas for which the Special Rate or Charge is declared;
- a specification of the land in relation to which the Special Rate or Charge is declared;
- a specification of the criteria which forms the basis of the Special Rate or Charge. For local street construction this will be the ownership of properties that abut or are adjacent to the project and/or derive benefit from improved access and amenity;
- a specification of the manner in which the Special Rate or Charge will be assessed and levied. In general, apportionment should be carried out using the traditional methods well established through regular application and supported by Victorian Civil & Administrative Tribunal determinations;
- an estimate of owners' liabilities. This estimate shall include ancillary costs such as survey, design, supervision and administration. Ancillary costs may be estimated using current industry standards and recent similar contracts;



- the impact of the Council's liability to the contribution in the event of over expenditure;
- period of maintenance required for the works (if works are relevant to the Special Rate or Charge);
- incentives to be given to ratepayers if any;
- planning policies and specific objectives (if any) as referred in Section 185 of the Local Government Act 1989; and
- the manner of payment of the Special Rate or Charge and the detail of the financing provisions to be accommodated by Council in regard to the Scheme; and
- the interest rate on the principal which will apply to persons liable to pay Special Rates or Charges.

The responsible officer for the Scheme in their report to Council will have regard to the Council policy which applies at the time in respect to the level of interest to be charged on the principal and any penalty interest which may apply to overdue repayment instalments.

#### **4.6 Advice To Affected Persons**

Should Council resolve to declare a Special Rate or Charge, a letter advising of this decision shall be sent to all owners and occupiers.

#### **4.7 Levy of Special Rate or Charge**

Council levies the Special Rate or Charge by sending a notice to all those liable to pay. This notice shall be in accordance with sub-sections 163(4) & (5) of the Local Government Act 1989 and shall contain prescribed information detailed in Regulation 10 of the Local Government (General) Regulations 1992. For minor scheme works, this can be combined with the notice to pay.

#### **4.8. Appeal**

Following the declaration of the Special Rate or Charge a person may apply for a review of Council's decision to the Victorian Civil and Administrative Tribunal (VCAT) within one month after the date of issue of a notice to the person of the Special Rate or Charge or combination thereof. Section 185 of the Local Government Act sets down the criteria for an appeal and provides the following grounds:

- (i) the works and projects or the period of maintenance for the purposes of which the Special Rate or Charge was imposed are not or will not provide a special benefit to that person; or
- (ii) the basis of distribution of the rate or charge amongst those persons who are liable to pay it is unreasonable; or
- (iii) if the planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are inconsistent with those policies or objectives; or

- (iv) if the planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of the land are unnecessary, unreasonable, excessive insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road or drainage of land.

Following notification from VCAT of appeals lodged, contact may be made with appellants in order to carry out negotiations prior to the hearing. Failing this the Responsible Officer will prepare Council's case for the VCAT hearing.

Note: An aggrieved person may in addition or alternatively, appeal within 60 days to the County Court on the following grounds:

- (a) In the case of a rate (other than a special rate under s. 221), that the land in respect of which the rate was declared was not rateable land;
- (b) That the rate or charge assessment was calculated incorrectly; or
- (c) That the person levied with the rate or charge was not liable to be rated.

#### **4.9 Council Options Following VCAT Decision**

Where VCAT quashes a Scheme, Council could only proceed to declare a scheme for the same street if the new Scheme differs significantly from the quashed one and in particular in no way is inconsistent with VCAT's reasons for quashing the previous Scheme.

Where VCAT upholds the Scheme entirely or varies it with respect to the applicants, Council must proceed with the scheme as determined by VCAT.

## **5. SCHEME IMPLEMENTATION AND FINALISATION**

### **5.1 Implementation Process**

The Responsible Officer shall ensure that the tasks necessary to implement the Scheme are carried out.

Schemes which involve provision of services or capital works for the provision of infrastructure shall comply with the provisions of Best Value legislation.

If the tendered price for the contract works component of the Scheme exceeds the estimated cost by more than 10%, the proposal shall be referred to Council for reconsideration and a resolution sought to either abandon the Scheme or accept the tendered price and proceed with the work.

#### **5.1.1 Notice Levying the Special Charge**

Following the decision of Council to proceed with the Scheme and its implementation a Notice Levying the Special Charge will be served on all contributors indicating all the relevant Scheme details and the charge or rate based on the accepted estimated cost.

The Notice shall clearly indicate that this demand for payment is based on an estimated Scheme total cost and may be subject to variation of up to a maximum of 10% of the amount stated.

## **5.2 Reconciliation and Report to Council**

### **5.2.1 Special Charge Schemes**

Schemes shall be finalised and reconciled within two months of finalisation of the works.

The Responsible Officer shall report to Council immediately upon Scheme reconciliation advising:

- that the works are complete and the costs are finalised;
- that the final apportioned costs are presented for adoption by Council; and
- where any variation has occurred between the original estimate and the final apportioned cost, the detail of such variation.

### **5.2.2 Special Rate Schemes**

If, during the course of any Scheme which is implemented on the basis of a Special Rate, circumstances change to the extent that the rate is to be varied, the Responsible Officer shall immediately report to Council advising of the nature of the variation and recommending an appropriate course of action and if necessary that Council will bear all costs associated with any increase in the Special Rate beyond 10%.

In any case where the Special Rate or Charge is varied by any amount, notice is required to be given to all affected parties pursuant to s. 166 (2) of the Local Government Act 1989.

# APPENDIX A – APPORTIONMENT PRINCIPLES

## SPECIAL RATES AND CHARGES POLICY

Officers responsible for the detailed development of cost apportionment for contributory schemes should have regard to the following principles:

### 1. BENEFIT RATIO

The calculation of the maximum total levy for a scheme shall comply with the Ministerial Guideline applying to Section 163 (2C) of the Local Government Act 1989 as promulgated in the Victoria Government Gazette G39 23 September 2004. In most cases this will yield the limiting amount for levying by way of a special charge scheme. However to ensure consistency with past practice the following guidelines shall also be regarded in determining the Benefit Ratio.

### 2. FOOTPATH AND BICYCLE PATH PROJECTS

At OM 290 on 18 July 2016, Council resolved:-

“Not to continue with the delivery of other planned footpath infrastructure via Special Charge Schemes at this time, noting the increased cost to Council of this decision”.

Consequently all references to footpath construction by Special Charge Scheme have been deleted.

### 3. DRAINAGE CONSTRUCTION SCHEMES

- Full cost of works for property drainage systems charged to owners on a benefit/area basis using the co-efficient of runoff to modify the effective area.
- Properties discharging and properties receiving protection. Properties discharging stormwater and properties being protected from stormwater runoff receive the same benefit weighting i.e. 1:1.
- Council or drainage authority contributes towards outfall drains.
- Council maintains constructed asset.

### 4. ROAD CONSTRUCTION SCHEMES

Full cost of vehicle crossings and footpath thickenings to owners.

Every effort will be made to minimise the removal of indigenous, native and significant vegetation in all cases by utilising existing road alignments where possible, In addition the design process will incorporate consideration of options to minimise the impact on vegetation, with the preferred option being selected taking into consideration environmental benefit, as well as safety and financial benefits.

Council maintains constructed asset.

#### **4.1 Council incentive contribution**

##### Intent

Council may make a contribution as an incentive to landowners and to recognise the benefit to Council of the scheme.

##### Implementation

As an incentive to landowners to participate in scheme proposals for the improvement of infrastructure throughout the municipality, a minimum 20 percent contribution is provided by Council towards proposed projects.

This contribution is in recognition of annual rates paid by landowners and the benefit to Council of the reduction in recurrent maintenance costs.

#### **4.2 Residential Streets in Urban areas (within the Urban Growth Boundary)**

Maximum of 80% cost to owners – apportioned on the basis of benefit unit and/or area and/or frontage. Owners of corner allotments to be apportioned so that notional total charges over all abuttals is fair. A benefit unit may be developed as potential development of the property.

#### **4.3 Non-Residential Street in Urban areas (within the Urban Growth Boundary)**

Owners are required to contribute a maximum of 80% cost of a road of sufficient standard to meet the owners access needs and Council would contribute the extra costs involved. ResCode for Residential Development can be used to determine the type of road required for access purposes.

Costs apportioned on the basis of benefit unit, area of property, frontage of property or a combination, owners of corner allotments to be apportioned so that notional total charges over all abuttals is fair.

#### **4.4 Residential Streets in Rural Areas (outside the Urban Growth Boundary)**

Where road construction schemes are implemented in rural areas, with low density residential development, Council may consider a treatment of lesser standard than required in higher density or urban areas.

This will be assessed individually for each road, taking into account the current and potential traffic volumes, the existing road formation and subgrade quality, and preferences of the abutting property owners. Generally a treatment would consist of a 100mm layer of new compacted crushed rock over the existing road formation and shoulders, and a primer and spray seal over the trafficked part usually 5 metres wide. In addition, after individual assessment including geo-technical testing, the option to use stabilisation techniques which could result in cost savings may be considered. If in the future further construction is required, Council would be able to levy a special charge

for new components (including kerb & channel, drainage, asphalt surface) but deduct the value of previously charged treatments.

#### 4.5 Council contribution for broader community benefit

##### Intent

The level of Council contribution defined in this section recognises the benefit to Council and the broader community of the project.

##### Implementation

A Council contribution is required in accordance with the Ministerial Guideline where the works or services will provide tangible and direct benefits to the broader community, other than those landowners determined as being liable for the special rate or charge.

The following ratios have been developed to recognise broader community benefit from infrastructure improvement works and are considered to accord with the Ministerial Guideline:

##### Road Improvements

Ratio to be derived from a comparison of local traffic use to through traffic use of the road, based on the assumption that each development unit generates ten trips per day on the road. For community or commercial facilities a study of the facility will be undertaken to establish trips per day.

<b>% through traffic</b>	<b>Council</b>	<b>Landowners</b>
less than 20%	20%	80%
greater than 20%	Council contribution increased by 2% for every 3% increase in through traffic volume above 20%	
<p>In preparing any scheme there will be peculiarities that may require variation to the guidelines presented above. With proper justification, flexibility should be allowed to ensure a fair and reasonable distribution of costs. Where required, such flexible requirements will be reported to Council on a scheme by scheme basis.</p>		

## 4.6 Landowner contributions

### Intent

Whilst recognising that the apportionment methodology may have a number of variations, it is preferred to maintain a simplified approach in determining the contributions for each property. The development of the apportionment for a scheme will follow an approach which considers a number of factors and recognises that each scheme is different.

### Implementation

It is recognised that within a proposed scheme the apportionment methodology may be considered in many ways, all of which may be acceptable to VCAT. For the purposes of this policy it is considered preferable that a simplified approach is taken.

When apportioning costs amongst properties the following factors should be considered:

- The current Frankston Planning Scheme zones and overlays, including tenement provisions if these apply.
- Existing use or development potential of a property, on a development unit basis (eg. commercial, industrial, residential, subdivision, higher density development etc.);
- Abuttal of a property to proposed works (generally road improvements); and
- Area of a property (generally drainage schemes).

### For road improvements:

- Generally properties will be charged one development unit where primary access to the property is taken from the road being constructed;
- In recognition that some properties may have a larger abuttal to the works than others, the apportionment of costs may also have regard to property abuttal for up to 10% of the total charge per property;
- Properties that may be subdivided, have multiple dwellings, are used commercially, or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge;
- Where a property has only side or rear abuttal to the road being constructed, the property shall be apportioned one half of a development unit, on the basis that the primary access to the property is taken from an alternate road;
- Where a property has multiple existing houses that the property be apportioned only on the basis of direct access driveways, and where none exists that the

property be apportioned one half benefit unit for any rearage or sideage abuttal to the road(s) being considered for improvement;

- Where a portion of property abuts a road that has previously been constructed or the proposed reconstruction works do not extend for the full length of the property abuttal, then a pro rata development unit shall be allocated to the property based upon the proportion of the property abuttal to the new road construction;
- Where a property abuts two or more roads that are to be constructed in the same scheme, no increase in charge will occur for the additional road abuttal(s);
- Where a property abuts two or more roads that are constructed through separate schemes at different times, an overall multiple development unit charge may be applied, however generally this should not exceed a total of one and one half development units. Investigation of the property's involvement in the past construction of the alternate road should be identified. Should the property have contributed a full share compared to other properties involved in that project, then the property's involvement in the current scheme should be treated as if the property has a side or rear abuttal; and

Where a property has only side or rear abuttal to the road being constructed and is responsible for a multiple charge due to existing or potential development of the property, an assessment is to occur to determine whether the potential development on the property will gain special benefit from the proposal. A half proportion of the multiple charge should apply where the potential improvements on the property will receive special benefit from the works (i.e. as described in section 4.5). A single half share should apply where the existing or potential development on the property will not receive special benefit.

#### 4.7 Multiple landowner contributions

##### Intent

There are instances when multiple contributions are determined for a property due to actual or potential development, as contained in this section.

##### Implementation

Multiple landowner contributions may apply in the following circumstances;

Dependant persons unit (Granny flat)	0 development unit
Bungalow / outbuilding	0 development unit
Additional occupiable / caretaker house	1 development unit
Bed and breakfast structure external to main dwelling	0.2 development unit per B&B
Potential subdivision	1 development unit per



	allotment
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#### 4.8 Landowner contributions in schemes involving mixed land use

##### Intent

Some properties are used in a more intensive way than general residential properties. This section allows for a multiple development unit charge based upon the future potential of the property to determine how the different uses can be compared to general residential use.

##### Implementation

Properties that are used commercially or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge.

An assessment of properties is to be undertaken, including a review of existing and/or proposed planning scheme amendments and permits. The apportioned charge to a property will be determined having consideration to the area of the property, in conjunction with any development and/or use of the property. This will then be equated to a typical residential property (“equivalent house”) for the proposed scheme.

The approach is based on the concept of “equivalence ratios” developed by the Victorian Department of Environment, Land, Water & Planning within its “Development Contribution Guidelines”. This method determines how different uses (i.e. residential, agricultural/farming, retail/commercial/office, light industry/warehouse and other industrial uses) can be fairly compared as “equivalent houses”.

<p><b>Retail / Commercial/Office</b></p> <p>200 sq m floor space in urban areas (separate comparative analysis may be required for rural areas, e.g. wineries, wine/fruit sales, etc. (including car parking and landscaping area)1 equivalent house</p>	1 equivalent house
<p><b>Industrial properties / warehouses</b></p> <p>800 sq m floor space (including hard stand and car parking areas)</p>	1 equivalent house
<p>Farming areas which may be subdivided.</p> <p>Where a property is capable of being subdivided in accordance with the Frankston Planning Scheme, then the potential lot yield shall be used and adopted as the number of equivalent houses. A discount may be applied to account for local circumstances. This discount for local circumstances may apply where the subdivision potential of a property would be reduced for the following reasons:-</p>	

<ul style="list-style-type: none"> <li>○ To protect remnant vegetation;</li> <li>○ Land is subject to inundation/flooding;</li> <li>○ Land is subject to landslip; or</li> <li>○ Other restrictive aspects.</li> </ul> <p>The assignment of “equivalence ratios” is for the express purposes of being able to compare special benefit that will be received by properties involved in a proposed special rate or charge. The assignment of “equivalence ratios” to a property based upon the intensive use of a property does not mean that the expectations of those “equivalent houses” can be realised as development rights or opportunities on the land.</p> <p>In many cases, particularly in rural areas, the opportunity to develop further houses is limited by the Frankston Planning Scheme. The ability to have more than one house will usually be determined through the ability to subdivide the land in accordance with the planning scheme.</p>	
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## **5. OFF-STREET CAR PARKING SCHEME**

### **5.1 Retail/Commercial**

The cost to be recovered shall be apportioned to those properties which will derive a benefit. Have regard to existing and potential shop size, type, proximity and any provision or contribution towards spaces provided.

# APPENDIX B – METHODS OF PAYMENT

## SPECIAL RATES AND CHARGES POLICY

The payment options for the people affected by the Special Charge are listed below:

- Payment in full when the Special Rate or Charge is levied.
- Road and Drainage Schemes – Quarterly instalments with interest over a 10 year period or other period as negotiated
- Off Street Car Parking Schemes – Quarterly instalments with interest over a 5 year period.

Under special circumstances Council will consider cases of hardship and reconsider payment options for special rate or charge.

# APPENDIX C – PRIORITISED LIST OF UNSEALED ROADS – 2019

Scheme Details						
Rank	Road Name		Scheme Extents	Length	Melway Ref.	
Priority 1	1	TAYLORS ROAD, SKYE	TAYLORS ROAD	BALLARTO ROAD to HALL ROAD	1647	132 D5
	2	MCKAYS ROAD, LANGWARRIN	MCKAYS ROAD	WESTERNPORT HIGHWAY to CENTRE ROAD	1300	136 E2
	3	BARRETT'S ROAD, LANGWARRIN SOUTH	BARRETT'S ROAD	ROBINSONS ROAD to GOLF LINKS ROAD	1740	107 E2
	4	WEST ROAD, LANGWARRIN SOUTH	WEST ROAD	BAXTER TOORADIN ROAD to ROBINSONS ROAD	1924	140 B3
	5	STOTTS LANE, FRANKSTON SOUTH	STOTTS LANE	NBL H/N 23M-31M to BAXTER TOORADIN ROAD	585	106 K3
	6	BRODIE STREET, SEAFORD	BRODIE STREET	NEPEAN HIGHWAY to BECKWITH GROVE	51	99 D4
	7	NICHOLSON STREET, SEAFORD	NICHOLSON STREET	NEPEAN HIGHWAY to OZONE AVENUE	35	99 D7
	8	CANNING STREET, FRANKSTON SOUTH	CANNING STREET	HUMPHRIES ROAD to HOTHAM STREET (AND END OF SEAL TO DEAD END)	202	101 K9
Priority 2	9	TI-TREE GROVE, SEAFORD	TI-TREE GROVE	NEPEAN HIGHWAY to ENDS (NORTH & SOUTH)	99	97 D12
	10	OZONE AVENUE, SEAFORD	OZONE AVENUE	NORTH END to SOUTH END	84	99 D7
	11	TAYLORS ROAD, SKYE	TAYLORS ROAD	HALL ROAD to WEDGE ROAD	1653	132 E1
	12	TAYLORS ROAD, SKYE	TAYLORS ROAD	WEDGE ROAD to THOMPSONS ROAD	1655	128 310
	13	WEDGE ROAD, SKYE	WEDGE ROAD	END OF SEAL to TAYLORS ROAD	1320	128 D11
	14	KELVIN GROVE, LANGWARRIN	KELVIN GROVE	CRANBOURNE ROAD to MCKAYS ROAD	912	136 F1
	15	BENNETT COURT, SEAFORD	BENNETT COURT	OLD WELLS ROAD to END	135	99 H2
	16	WEDGE COURT, SEAFORD	WEDGE COURT	WELLS ROAD to END	159	99 H1
	17	BEACH GROVE, SEAFORD	BEACH GROVE	ENTANCE LANE to END	247	99 D2
	18	BECKWITH GROVE, SEAFORD	BECKWITH GROVE	NORTH END to SOUTH END	150	99 D4
	19	LYPPARDS ROAD, LANGWARRIN	LYPPARDS ROAD	CRANBOURNE ROAD to END	885	132 F12
20	REX STREET, FRANKSTON	REX STREET	BEACH STREET to END	107	100A G7	
21	FRANKSTON DANDENONG SERVICE ROAD, SEAFORD	FRANKSTON DANDENONG SERVICE ROAD	FRANKSTON-DANDENONG ROAD to CENTENARY STREET	190	100 B5	
22	HELEN STREET, FRANKSTON	HELEN STREET	CLIFF ROAD to END	125	102 B5	
Priority 3	23	WYATT STREET, SEAFORD	WYATT STREET	NEPEAN HIGHWAY to END	79	99 D1
	24	HIGHFIELD DRIVE, LANGWARRIN SOUTH	HIGHFIELD DRIVE	BAXTER-TOORADIN ROAD to DEAD END	1000	107 J5
	25	BERGMAN ROAD, LANGWARRIN	BERGMAN ROAD	ROBINSONS ROAD to END	794	103 K12
	26	CLAYTON-HILL ROAD, LANGWARRIN SOUTH	CLAYTON-HILL ROAD	SHEPHERDS HUT ROAD to WEST ROAD	393	140 B2
	27	VALLEY ROAD, LANGWARRIN	VALLEY ROAD	ROUNDAABOUT (POTTS) to END	562	132B9
	28	FIOCCHI AVENUE, FRANKSTON	FIOCCHI AVENUE	GOULD STREET to END (BEACH)	55	100A D2
	29	FITZROY AVENUE, FRANKSTON	FITZROY AVENUE	BEACH END to GOULD STREET	17	100A B4
	30	GREAVES COURT, SEAFORD	GREAVES COURT	OLD WELLS ROAD to END	45	99 G3
	31	ANNIE STREET, FRANKSTON	ANNIE STREET	GOULD STREET to END	47	100A C3
	32	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	MOOROODUC HIGHWAY to END	95	106 F4
	33	CLYDE COURT, FRANKSTON SOUTH	CLYDE COURT	NEPEAN HIGHWAY to END	171	101 J7
	34	BELLBIRD COURT, LANGWARRIN	BELLBIRD COURT	WESTERNPORT HIGHWAY to END	380	136 F7
	35	CENTRE ROAD, LANGWARRIN	CENTRE ROAD	ROUNDAABOUT (NORTH) to END	314	136 B9
	36	GARDENERS ROAD, LANGWARRIN SOUTH	GARDENERS ROAD	ROBINSONS ROAD to END	491	107 J1
	37	SOMME AVENUE, FRANKSTON	SOMME AVENUE	END OF SEAL to END	142	102 A5
	38	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	HUMPHRIES ROAD to END	194	106 E5
Priority 4	39	BURROW STREET, FRANKSTON	BURROW STREET	STANLEY STREET to FINLAY STREET	99	102 F1
	40	VICTORIA ROAD, LANGWARRIN SOUTH	VICTORIA ROAD	WESTERNPORT HIGHWAY to WEST ROAD	949	140 D4
	41	MARY STREET, FRANKSTON	MARY STREET	GOULD STREET to END	61	99 C12
	42	ARMAGH ROAD, FRANKSTON SOUTH	ARMAGH ROAD	OVERPORT ROAD to END	308	106 C1
	43	ARMSTRONGS ROAD, SEAFORD	ARMSTRONGS ROAD	OLD WELLS ROAD to DEAD END	159	99 H1
	44	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	WESTERNPORT HIGHWAY to FIRE TRACK ONLY SIGN	464	136 E12
	45	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to FIRE TRACK ONLY SIGN	324	140 C1
	46	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to ROBINSONS ROAD	321	140 C1
	47	BEACH STREET, FRANKSTON	BEACH STREET	KANANOOK CREEK to GOULD STREET	50	100A C5
	48	MARALINE ROAD, LANGWARRIN	MARALINE ROAD	BALLARTO ROAD to END	573	132 G7
	49	VICTOR AVENUE, SEAFORD	VICTOR AVENUE	NEPEAN HIGHWAY to END	55	99 42
	50	WEDGE ROAD, SKYE	WEDGE ROAD	WESTERNPORT HIGHWAY to END OF GRAVEL	420	128 J12
	51	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	WEST ROAD to FIRE ACCESS ONLY SIGN	584	140 C1
	52	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to FIRE ACCESS ONLY SIGN	294	140 D2
	53	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to WESTERN PORT HIGHWAY	467	140 D3
	54	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	TAYLORS ROAD to END	415	132 D6
	55	SHEPHERDS HUT ROAD, LANGWARRIN SOUTH	SHEPHERDS HUT ROAD	NORTH END to SOUTH END	243	140 A2
56	GAMBLE ROAD, SKYE	GAMBLE ROAD	EBL H/N 156 to DEAD END	305	132 B6	
Priority 5	59	ALLAWAH AVENUE, FRANKSTON	ALLAWAH AVENUE	NEPEAN HIGHWAY to END (KANANOOK CREEK)	22	99 D11
	60	BANYAN ROAD, CARRUM DOWNS	BANYAN ROAD	ROSSITER ROAD to END	357	98 C10
	61	BETHUNE COURT, SEAFORD	BETHUNE COURT	WELLS ROAD to END	21	99 H1
	62	KNOX STREET, CARRUM DOWNS	KNOX STREET	FRANKSTON-DANDENONG ROAD to CLIFTON GROVE	127	98 F12
	63	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	BARRIER to END OF GRAVEL (NBL H/N57-71)	318	97 K8
	64	ROSSITER ROAD, CARRUM DOWNS	ROSSITER ROAD	THOMPSONS ROAD to END	2373	98 C9
	65	THE HEIGHTS, FRANKSTON SOUTH	THE HEIGHTS	THE SPUR to END	51	102 C6
	66	WARRINGA ROAD, FRANKSTON SOUTH	WARRINGA ROAD	CLIFF ROAD to END	207	102 A5
	67	WHITECLIFFE AVENUE, FRANKSTON	WHITECLIFFE AVENUE	NEPEAN HIGHWAY to END (B/L 624 NEPEAN HWY)	22	101 J6
	68	WORSLEY ROAD, CARRUM DOWNS	WORSLEY ROAD	END OF SEAL to DEAD END	808	98 F7
					30381	
	LANES					
	69	ADDICOTT LANE, FRANKSTON	ADDICOTT LANE	MCMAHONS ROAD to ADDICOTT STREET	83	102 G2
	70	CECIL LANE, FRANKSTON	CECIL LANE	FROME AVENUE to CECIL STREET	119	102 D5
	71	CORLETT LANE, FRANKSTON	CORLETT LANE	CORLETT STREET to END	50	99 F11
	72	ERSKINE LANE, FRANKSTON	ERSKINE LANE	ERSKINE STREET to END	160	100A F5
	73	FINLAY LANE, FRANKSTON	FINLAY LANE	TOWER AVENUE to END	53	100A H4
	74	ITHACA LANE, FRANKSTON SOUTH	ITHACA LANE	ITHACA ROAD to END	80	101 J8
	75	JOHNSTONE LANE, SEAFORD	JOHNSTONE LANE	WEATHERSTON ROAD to JOHNSTONE STREET	114	99 E5
	76	KANANOOK LANE, SEAFORD	KANANOOK LANE	KANANOOK AVENUE to END	33	99 E8
	77	LEWIS LANE, FRANKSTON	LEWIS LANE	END OF CONCRETE to END	40	100A F5
	78	LITTLE DANDENONG LANE, FRANKSTON	LITTLE DANDENONG LANE	DANDENONG ROAD EAST to ERSKINE LANE	52	100A F5
	79	MCKENZIE LANE, SEAFORD	MCKENZIE LANE	MORAE STREET to MCKENZIE STREET	95	99 E3
	80	MOUNT VIEW LANE, FRANKSTON	MOUNT VIEW LANE	MOUNT VIEW COURT to END	115	102 E5
	81	NOLAN LANE, FRANKSTON	NOLAN LANE	SPRING STREET to END	104	102 D4
	82	ROYLE LANE, FRANKSTON	ROYLE LANE	ROYLE STREET to END	51	102 G2
	83	SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	SIBYL AVENUE to WEST BOUNDARY OF 32A SIBYL AVENUE	108	106 D3
	84	SPRING LANE, FRANKSTON	SPRING LANE	HIGH LANE to SPRING STREET	200	100A C10
	85	TOWER LANE, FRANKSTON	TOWER LANE	DANDENONG ROAD EAST to TOWER AVENUE	197	100A F3
	86	WEATHERSTON LANE, SEAFORD	WEATHERSTON LANE	SEAFORD ROAD to WEATHERSTON ROAD	105	99 E5
	87	YARRAM LANE, FRANKSTON	YARRAM LANE	YARRAM COURT to END	46	100 D12
					1805	
UNFORMED ROAD RESERVE						
		ALDERSHOT ROAD, LANGWARRIN	ALDERSHOT ROAD	WOODLEA PLACE to END (SOUTH)		103 G9
		BOUNDARY LANE, CARRUM DOWNS	BOUNDARY LANE	BOUNDARY ROAD to EASTLINK TOLLWAY		98 F10
		BRETT LANE, CARRUM DOWNS	BRETT LANE	BRETT DRIVE to MW RESERVE (50M-52M LATHAMS ROAD)		100 C1
		HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	END OF GRAVEL (WBL H/N 50) to END (EBL H/N 50)		132 E6
		PAGETT ROAD, CARRUM DOWNS	PAGETT ROAD	WBL H/N 16 to END (WEST)		98 E11
		ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	END OF GRAVEL (NBL H/N 57-71) to END (SBL H/N 85M)		97 K9
		SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	WEST BOUNDARY OF 32A SIBYL AVENUE to ROSEDALE GROVE		106 D3
		VALLEY ROAD, SKYE	VALLEY ROAD	END OF GRAVEL (H/N165) to END (WEST)		132 C9
		WADSLY ROAD, CARRUM DOWNS	WADSLY ROAD	LEARMONTH ROAD to ROSSITER ROAD		98 B8
		WEDGE ROAD, SKYE	WEDGE ROAD	TAYLORS ROAD to START OF GRAVEL (WESTERN ACCESS TO KCC PARK)		128 G12