

Proposed Declaration

NOTICE OF INTENT TO DECLARE A SPECIAL CHARGE

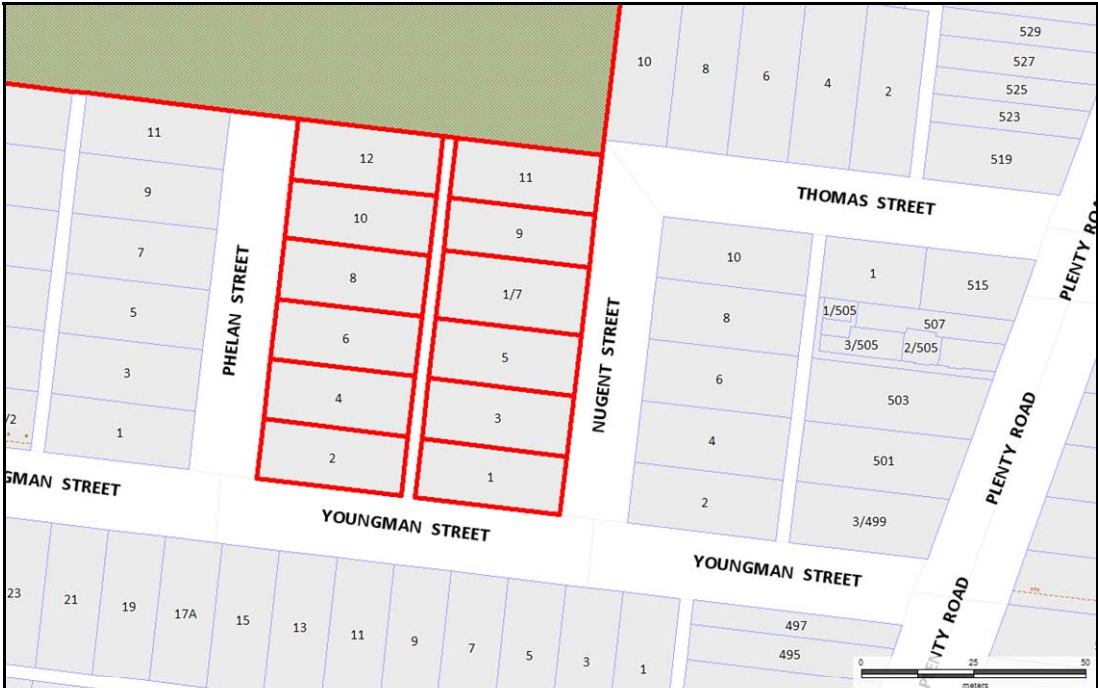
Special Charge for Construction of the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street Preston

- 1. That pursuant to section 163(1) of the *Local Government Act 1989 (Act)* Council declares a Special Charge (**Special Charge**) for the purposes of defraying expenses relating to the provision of road construction and associated works in the right-of-way at the rear of Nos 1-11 Nugent Street and Nos 2-12 Phelan Street Preston (**Scheme**). The scheme involves the construction of road pavement and drainage which Council is empowered under section 1 of Schedule 10 of the Local Government Act 1989.
- 2. That the following criteria are specified as being the criteria for which the Special Charge is declared –

The special charge will be based on geographic criteria, having regard to those properties which have direct abuttal to the right-of-way

- 3. That the following area is specified as the area for which the Special Charge is being declared –

The area identified on the map attached to and forming a part of this declaration.



4. That the following are specified as being the total cost of the performance of the function or the exercise of the power by the Council (in connection with activities that are associated with the provision of proper, safe and suitable roads in the area for which the Special Charge is to be declared) and also as being the total amount of the Special Charge to be levied by Council –

An amount of \$55,794.00.

5. That the total amount of special charges to be levied is as follows –

The properties included in the Scheme will pay a Special Charge of \$39,384.00.

6. That Council's contribution to the scheme for the purposes of community benefit to be derived from the works is as follows –

An amount of \$16,410.00.

7. That the following land is specified as the land in relation to which the Special Charge is being declared –

All that rateable land, as described in the table attached to and forming a part of this declaration:

| Property | Special Charge |
|---------------------------|-----------------------|
| 1 Nugent Street, Preston | \$3,282.00 |
| 3 Nugent Street, Preston | \$3,282.00 |
| 5 Nugent Street, Preston | \$3,282.00 |
| 7 Nugent Street, Preston | \$3,282.00 |
| 9 Nugent Street, Preston | \$3,282.00 |
| 11 Nugent Street, Preston | \$3,282.00 |
| 2 Phelan Street, Preston | \$3,282.00 |
| 4 Phelan Street, Preston | \$3,282.00 |
| 6 Phelan Street, Preston | \$3,282.00 |
| 8 Phelan Street, Preston | \$3,282.00 |
| 10 Phelan Street, Preston | \$3,282.00 |
| 12 Phelan Street, Preston | \$3,282.00 |
| TOTAL | \$39,384.00 |

8. That the following manner is specified as the manner in which the Special Charge will be levied –

A Notice of Levy will be sent annually to the person who is liable to pay the Special Charge, which will require that the Special Charge is to be paid in the following manner:

- (a) ***by one annual payment to be paid in full by the date fixed by Council in that notice, which will be a date not less than 30 days after the date of issue of the Notice; or***
- (b) ***by twenty quarterly instalments, to be paid by the dates which are fixed by the Council in the Notice.***

9. That it is considered by Council that there will be a special benefit to the persons required to pay the Special Charge because, in the opinion of Council, there will be a benefit over and above or greater than the benefit that is available to persons who are

not subject to the Special Charge, in that the properties will have the benefit of an abuttal to a constructed and fully serviced road, including improved access and amenity.

10. That Council, for the purposes of having determined the total amount of the Special Charge to be levied –
 - (a) considers and formally records that only those rateable properties included in the Scheme as proposed in this declaration will derive a special benefit from the imposition of the Special Charge and that any wider relevant special benefits are included in the community benefits to be paid by Council; and
 - (b) formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power in relation to this declaration relate (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is in a ratio of 12:17 or 70.5882353% (on the basis that only those residential properties which abut the right-of-way will receive a special benefit).
10. That all owners and occupiers of properties included in the Scheme be notified in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision.