

SPECIAL CHARGE SCHEME POLICY

Adoption Date 24 June 2020
Revision Date 2022/23
Department Infrastructure Delivery [INF]

C42
Policy No.

1. POLICY OBJECTIVE

To provide a strategic framework to assist and guide Council to implement Special Charge Schemes for appropriate infrastructure by optimising its capacity to raise funds for undertaking works and services pursuant to s.163 of the Local Government Act 1989 in a fair, equitable, consultative, and consistent manner.

2. POLICY STATEMENT

- 2.1. This policy operates within the legislative framework that recognises there is a responsibility on those deriving a special benefit from a built environment that they should financially contribute to the development of the infrastructure.
- 2.2. The policy enables Council to deliver essential infrastructure and/or services with fairness and equity by seeking contributions from those deriving the special benefit so that these special benefits do not need to be subsidised by general ratepayers.
- 2.3. On completion of the infrastructure works, it is Council's responsibility to maintain the asset to appropriate standards.
- 2.4. Council will assess its financial capability to deliver Special Charge Schemes in accordance with its Long Term Financial Plan and Capital Works Program.

3. POLICY SCOPE

- 3.1. In accordance with s.163 of the Local Government Act, 1989 and Special Rates and Special Charges: Calculating Maximum Total Levy" Ministerial Guidelines, Local Government Victoria, September 2004.
- 3.2. If Council contributes a third (33.33 per cent) or more of the cost of the Scheme without the support of affected property owners.
- 3.3. If there is a minimum of 70per cent of property owners support in writing to contribute financially to the works Scheme.



4. RISK ASSESSMENT

4.1. Financial

The policy provides an opportunity for Council to obtain funding for infrastructure projects that would otherwise require Council to fully fund or find other funding sources.

4.2. Openness and Transparency

The policy provides for and requires an open and transparent process to be undertaken in the implementation of Special Charge Schemes, taking into account adopted Community Plans. Transparency is achieved through appropriate community consultation with affected property owners and the general public.

5. IMPLEMENTATION | AUDIT | REVIEW

- 5.1. The responsibility and implementation of the policy rests with the Infrastructure Delivery Department of the Infrastructure Directorate.
- 5.2. Documentation required to implement Special Charge Schemes should be prepared with reference to “The Macquarie Special Rates and Charges Manual”, a Practical Guide for Local Government, Macquarie Local Government Lawyers, 2012.
- 5.3. This policy will be reviewed and adopted on a 4 year cycle.
- 5.4. This policy will be published on Council’s website.



SUPPORTING INFORMATION

Legislative Provisions	Local Government Act 1989, s.163 Special Rates and Special Charges: Calculating Maximum Total Levy” Ministerial Guidelines, Local Government Victoria, September 2004 The Macquarie Special Rates and Charges Manual, a Practical Guide for Local Government, Macquarie Local Government Lawyers, 2012
Council Supporting Documents	N/A
Related Documents	N/A
File Number	D5216320

DEFINITIONS AND ACRONYMS

Definitions are in accordance with s.163 of the Local Government Act 1989 and “Special Rates and Special Charges: Calculating Maximum Total Levy” Ministerial Guidelines, Local Government Victoria, September 2004.

Special Charge Scheme	is defined in accordance with Council’s capacity to raise funds for undertaking works and services pursuant to s.163 of the Local Government Act 1989 and the “Special Rates and Special Charges: Calculating Maximum Total Levy” Ministerial Guidelines, Local Government Victoria, September 2004.
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REVISION HISTORY

Version	Approved By	Approval Date	Sections Modified
1.0	Council	31 March 2001	C42 Urban Street Construction Policy (new)
2.0	Council	22 December 2010	C42 Special Charge Scheme Policy (renamed and replaced C38 Rural & Rural Type Living Special Charges, legislation updated)
3.0	Council	16 April 2014	Minor editorial changes and reference to the “Special Rates & Charges - Ministerial Guidelines” and “The Macquarie Special Rates and Charges Manual - A Practice Guide for Local Government”, Macquarie Local Government Lawyers, 2012



REVISION HISTORY

Version	Approved By	Approval Date	Sections Modified
4.0	Council	24 May 2017	Minor revisions – dates, grammar, position titles
5.0	Council	24 June 2020	Minor revisions – new template, review cycle changed to 4 years