

## 6 Ordinary Business

### 6.1 Town Planning Reports

### 6.2 General Reports

#### 6.2.1 Discontinuance of commenced and previously declared special charge schemes – Sealing the Hills

**Responsible GM:** Peter Benazic  
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##### Recommendation(s)

That Council:

1. Discontinue the road sealing works for the following Special Charge Schemes that were previously declared and/or commenced community consultation, under the *Sealing the Hills* program, in accordance with Section 164 of the Local Government Act 1989.
  - i. Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo
  - ii. Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo
  - iii. Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo
  - iv. Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo
  - v. Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald
  - vi. Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald
  - vii. St Georges Road and Halford Street, Beaconsfield Upper | Montuna Grove, Guys Hills
  - viii. Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper
  - ix. Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook

Notify those persons who are liable to pay the fixed special charge of \$7,000 per benefit unit that was previously declared to all included properties, of the discontinuance of the special charge in accordance with attachments 2 to this report.

##### Attachments

1. Scheme process chart [6.2.1.1 - 1 page]
2. Discontinued Special Charge Scheme projects [6.2.1.2 - 1 page]

##### Executive Summary

The report recommends Council to consider, at a meeting to be held prior to 18 September 2023, the discontinuance of nine Special Charge Scheme projects under Sealing the Hills program, attachment 2 of this report, that was previously declared and/or commenced community consultation by Council due to Federal Government funding reductions that had no commitment of cost involved in construction, following a comparison of expenditure and commitments.

This notice terminates the commencement of construction and final cost report of the statutory process that would have enabled Council to levy a special charge (refer to attachment 1).

## Background

Council identified that the Special charge scheme projects under *Sealing the Hills* program was not detailed in the Australian Government revised budget in October 2022. Council called for urgent clarification from the federal government about the future of the funding status, in November 2022.

On 10 January 2023, Council received formal notification from the Federal Government, that the \$150 million Federal Government Road construction funding initiative would be reduced to a total funding of \$41 million. The notice detailed what projects could be delivered based on the funding available in the program with consideration to the projects that had been cost committed.

By mid-February 2023, all property owners across the Sealing the Hills program were notified of the status of their road sealing project following the recent Federal Government funding reductions.

In addition, advocacy efforts were put in place by Council:

- Sealing the Hills petition EN4785 was submitted to the House of Parliament on 20 March 2023 with support of 2897 residents and owners from the Shire.
- A pre-budget submission report 2023-2024 under Road Sealing program was submitted in May 2023 in collaboration with Yarra Ranges Council.

On 17 April 2023, Council received official confirmation that the commitment towards the Sealing of the Hills program has been reduced with uncommitted funding being returned to the Budget and all works currently under consideration or contracted would be delivered.

A comparison of expenditure and commitments was undertaken, enabling the reduced funds to construct twelve scheme catchments consisting of thirty-seven roads across four townships of the total of seventeen Special Charge Schemes previously declared by Council until funding was exhausted. The remaining five scheme catchments consisting of twenty-nine roads across five townships where Council has declared Special Charge Scheme had no commitment for cost involved and therefore could not proceed with construction.

In addition, four scheme catchments consisting of twenty-two roads that had commenced community consultation as per special charge scheme process would also be discontinued as a result of reduced funds.

The five declared special charge schemes recommended for discontinuance are:

Road Names, Locality	Special Charge Scheme Declaration Date
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	20 June 2022
Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street, Cockatoo	15 August 2022
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	15 August 2022
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	21 November 2022
St Georges Road and Halford Street, Beaconsfield Upper   Montuna Grove, Guys Hills	21 November 2022

The four special charge schemes that commenced community consultation, recommended for discontinuance are:

Road Names, Locality	Special Charge Scheme Commenced Date
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	07 June 2022
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	15 September 2022
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	25 October 2022
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	25 October 2022

### Policy Implications

The proposed special charge schemes under Sealing the Hills program had been developed in accordance with the provisions of the Local Government Act, Cardinia Councils Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity, and property owner support.

After complying with the procedure for levying a special charge, a Council may discontinue the special charge under Section 164 of the Local Government Act 1989.

Council must ensure that those persons who are liable to pay the special charge are notified of the decision to discontinue the special charge.

### Relevance to Council Plan

#### 2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.5 Upgrade Council's road network to improve safety and connectivity while considering traffic demand and freight transport needs.

### Climate Emergency Consideration

Leaving the unsealed road network in its current condition will continue to create drainage, dust and other environmental concerns.

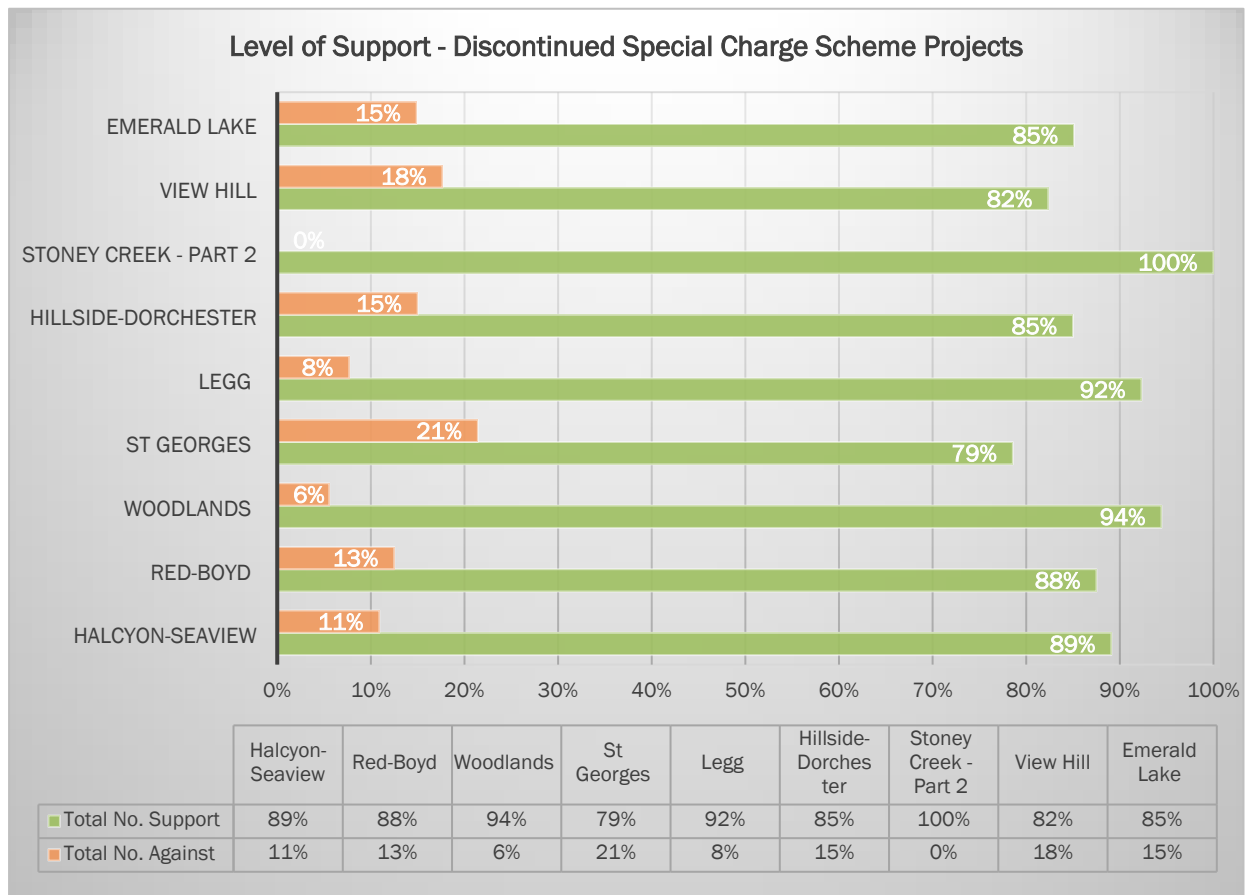
Unsealed roads greatly deteriorate in condition following storm events creating an increased stress on service delivery for the unsealed road network.

### Consultation/Communication

Extensive community consultation had been undertaken with the affected property owners under the *Sealing the Hills* Program as per the legislative process under Section 163 of the Local Government Act 1989 with majority property owners support received across all the special charge schemes that had commenced as well as those that had been declared by Council.

	Percentage (Level of support)

Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road, and Gum Street, Cockatoo	89%
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	88%
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	94%
St Georges Road and Halford Street, Beaconsfield Upper   Montuna Grove, Guys Hills	79%
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	92%
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	85%
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	100%
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	82%
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	85%



Following the initial confirmation received in January 2023 of the reductions of the federal government funding, all property owners across the Sealing the Hills program were notified of their road sealing project whether or not it was to proceed for road construction through mailout as well as a project update against all the projects on Cardinia [website](#).

With the strong support from community and reduction of federal funding to the Sealing of the Hills program, continued advocacy will need to be undertaken to re-establish the funding that provide benefits of road sealing to the community.

On adoption of this report's recommendations, affected property owners will be formally notified of discontinuance of the Special Charge Scheme.

### Financial and Resource Implications

The scheme road projects that are recommended for discontinuance that was previously declared and/or commenced are as outlined in Table 1.

**Table 1. Preliminary estimated cost of road projects**

Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road, and Gum Street, Cockatoo	\$6,810,000
Belgrave Avenue, Colin Avenue and Woodlands Avenue, Cockatoo	\$1,310,000
Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue, Cockatoo	\$3,582,000
Mackenzie Street, Maillard Street, Meyer Street, View Hill Road, Vincent Street and Woodrow Court, Cockatoo	\$4,285,600
Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road, Emerald	\$3,880,000
Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade, Emerald	\$3,818,000
St Georges Road and Halford Street, Beaconsfield Upper   Montuna Grove, Guys Hills	\$1,810,800
Lenne Street, Haupt Place and Sutherland Road, Beaconsfield Upper	\$1,546,200
Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road, Gembrook	\$5,860,000
<b>TOTAL</b>	<b>\$32,902,600</b>

**Note:** the estimated project cost includes an allowance of 15% for design, supervision, and administration of the scheme.

With the proposed road construction projects not proceeding, there is expected to be significantly more grading, inspections, and service reports/requests to be experienced by Council.

### Conclusion

It is concluded that due to the insufficient funding from the Federal Government the nine special charge schemes that was previously declared and/or commenced consultation with the community, under the *Sealing the Hills* program, is to be discontinued.

Under *Section 164* of the *Local Government Act 1989*, a Council may discontinue a special charge and must notify those persons who are liable to pay the special charge of the decision to discontinue the special charge scheme.



## Sealing the Hills program

**Special Charge Scheme process checklist**

## Special charge scheme projects (Section 163 Local Government Act)

Complete	Stage	Description
✓	Survey of landowners	Initial survey of property owners to assist in determining the need, associated issues and level of support for the proposed works and special rate/charge scheme.
✓	Approval to prepare / abandon scheme	Decision made to prepare scheme or to shelve project following consideration of the survey of property owners and feedback from the community. If the decision is that the scheme should proceed, the engineering design is completed, and a detailed estimate and an apportionment of costs are prepared. If a decision is made that the scheme should not proceed based on resident and community feedback, the affected residents are advised accordingly.
✓	Intention to declare scheme	Report to Council providing information on proposed scheme including advice of impending advertising of scheme and declaration of charge. Report seeks Council approval by resolution to proceed with process.
✓	Advertisement and notification	The proposed scheme is advertised in the local newspaper and all affected property owners are notified by mail of proposed works, costs and contributions. This advertisement and notification indicate Council's intention to <i>declare</i> a scheme in a month's time and seeks submissions from affected property owners. Details of the scheme may be inspected at the shire offices.
✓	Submissions	From the time of advertising, property owners have 28 days (as set down by the Act) to lodge submissions, either in support or opposing the proposed scheme.
✓	Submissions review panel hearing	A Submissions Review Panel is convened (may be Council Committee or whole Council) and meets to consider submissions. Some submissions are written only. Submitters may also request to be heard before the committee. The panel makes a recommendation to Council regarding the scheme.
	Abandonment of scheme	<del>The panel may recommend to Council that the scheme be abandoned. After considering the panel's report, Council may proceed to abandon the scheme following which property owners are notified and the scheme does not proceed.</del>
✓	Declaration report	Alternatively, the panel may recommend to Council that the scheme proceed. After considering the panel's report, Council may proceed to <i>declare</i> the charges in accordance with its advertised intent. After this the Finance Manager issues the levy notices and there is a formal charge placed on the property. Invoices are issued seeking payment of the declared contribution. Payment may be by instalments or lump sum. The social responsibility provisions of Council's Special Charge Policy provide for those facing financial difficulty. This is the final step in the process for Council to make a decision on the scheme.
✓	Appeal	Property owners may lodge an application for review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT) within one month of issue of the levy notice. An appeal is listed, heard and determined by the tribunal and this process generally takes four to six months. Decisions made by VCAT are binding on all parties.
✓	Discontinuance of scheme	Council may discontinue the whole or part of the scheme projects for special charges. After considering the report, Council may proceed to discontinue the scheme following which property owners are notified and the construction works does not proceed.
	Construction	<del>Council may then proceed to construction. Tenders are invited and a contractor appointed to construct the works.</del>
	Final cost report	<del>At the completion of the works the scheme is finalised and a report presented to Council.</del>



## Discontinued Special Charge Scheme Projects

Project ID	Package No	Catchment Name	Region	Road Names
PJ60002	Package 12	Halcyon-Seaview Catchment	Cockatoo	Alexander Road, Halcyon Grove, Maurice Street, Jeanne Street, Lowen Road, Stringybark Road, Fern Gully Road, Seaview Road and Gum Street
PJ60006	Package 16	Woodlands Catchment	Cockatoo	Belgrave Avenue, Colin Avenue and Woodlands Avenue
PJ60021	Package 22	Hillside-Dorchester Catchment	Cockatoo	Hillside Road, Haven Court, George Road, Edmunds Road, Dorchester Road, Laneway Access, Haylock Avenue and Salisbury Avenue
PJ60022	Package 24	View Hill Catchment	Cockatoo	Mackenzie Street, Maillard Street, Meyer Street View Hill Road, Vincent Street and Woodrow Court
PJ60020	Package 21	Legg Catchment	Emerald	Boundary Road East, Legg Road, Steel Road, Curtis Road, Maisie Road, Nolan Road, Upton Road and Railway Road
PJ60023	Package 25	Emerald Lake Catchment	Emerald	Alfred Grove, Elizabeth Court, Lawsons Road, Ronald Road and Royal Parade
PJ60019	Package 20	St Georges Catchment	Guys Hill   Beaconsfield Upper	St Georges Road and Halford Street - Beaconsfield Upper   Montuna Grove - Guys Hills
PJ60038	Package 23	Stoney Creek No. 2 Catchment	Beaconsfield Upper	Lenne Street, Haupt Place and Sutherland Road
PJ60004	Package 14	Red-Boyd Catchment	Gembrook	Boyd Road, Ramage Lane, Ritchie Street, Red Road and Williamson Road