

6.2.2 Sealing the Hills - Burton Road, Morris Road and Young Street Upper Beaconsfield

Responsible GM: Peter Benazic
Author: Donna Bird

Recommendation(s)

That Council:

1. That Council notes that following the issue of the Notice of Decision by Council to declare a special charge scheme on the 13 December, 2021, to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield, three submissions were received within the prescribed 28 day period. Details of the submissions are included in attachment 5 to this report.
2. That a special charge in accordance with Section 163 of the Local Government, 1989 ('the Act') be declared as follows:
 - a) A special charge is declared for a period until the works have been completed and the scheme finalised.
 - b) The special charge be declared for the purposes of defraying any expenses incurred by Council in relation to the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield including sealed road pavement, kerb & channel and associated drainage and incidental works. Council considers that these works will be of special benefit to those persons required to pay the special charge, (and who are described in succeeding parts of this resolution).
 - c) The special benefit accruing to those properties to be levied is considered to include improved access, improved amenity and appearance, improved roadside drainage, reduced mud and dust, reduced erosion and lessened nuisance.
 - d) The following be specified as the area for which the special charge is declared:
 - All those properties described in attachment 4 of this report and as highlighted on the plan included as attachment 2.
 - e) The following be specified as the land in relation to which the special charge is declared:
 - All properties described in attachment 4 of this declaration.
 - f) The following be specified as the criteria which form the basis of the special charge so declared:
 - Those properties fronting, abutting or adjacent to the works.
 - g) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit.
 - Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit.
 - Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit.
 - Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

- The special charge will be levied by sending a notice to the person who is liable to pay, pursuant to Section 163 (4) of the Local Government Act, 1989.
- h) The total cost of the works is the amount shown in attachment 4 of this report estimated at \$2,235,600.
- i) The total amount of the special charge to be levied is the amount shown in attachment 4 of this report estimated at \$364,000.
- j) Having regard to the proceeding parts of this resolution but subject to Sections 166(1) and 167(6) of the Local Government Act, 1989, it is recorded that:
 - i) The owners of the land described in columns A and B of the table in attachment 4 are estimated liable for the respective amounts set out in column F of the table in attachment 4 and;
 - ii) Such owners may, subject to any further resolution of Council pay the special charge in the following manner:
 - a. The charge will become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167(3) of the Local Government Act, 1989.
 - b. The charge may be paid by:
 - # Lump sum within one month of the issue of the notice without incurring interest, or
 - # Quarterly instalments of principal and interest over a period of up to seven years.
 - c. Interest will not be charged for three months after the issue of the notice provided the person liable makes timely payment in accordance with the payment arrangements that may be agreed on by Council.
 - d. In accordance with Sections 167(6)(b) and 172 of the Act, the rate of interest which is payable on instalments is set at the 180 day bank bill rate as published in the Australian Financial Review plus one percent and reviewed every three months, (provided that it will not exceed the rate fixed by the Governor in Council by order of the purposes of Section 172(2A) in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by order for the purposes of this section).
- k) There are no incentives for prompt payment, rebates or concessions associated with this special charge.

Attachments

1. Sealing the Hills Program SCS Checklist Stoney Creek [6.2.2.1 - 1 page]
2. SCS Catchment Plan Burton Morris Young Copy [6.2.2.2 - 2 pages]
3. Stoney Creek Catchment Beaconsfield Upper [6.2.2.3 - 12 pages]
4. Stoney Creek Catchment Special Charge Scheme SCS Apportionment Sheet [6.2.2.4 - 5 pages]
5. SCS Submission Hearing Report Stoney Creek Road Catchment [6.2.2.5 - 3 pages]

Executive Summary

This report proposes to have a special charge declared to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield. It follows Council's resolution of the 13 December, 2021 to communicate its intention to declare a special charge for this purpose.

The Stoney Creek Road, Upper Beaconsfield catchment is included in the Australian Government funded "Sealing the Hills" program. A recent survey of the landowners in this catchment indicated 85% landowner support to contributing to a scheme from the responses received. Included landowners will receive special benefit as a result of the works including improved resident amenity, reduction in dust and associated health issues, improved drainage, less wear and tear on vehicles, reduced road maintenance costs and overall improved liveability.

The preliminary estimated cost of the proposed works is \$2,235,600 of which \$364,000 is proposed to be funded via the proposed special charge contribution received from the included landowners. This will leave an approximate balance of \$1,871,600 to be funded from the Australian Government grant.

Property owner contributions have been assessed on the basis of the benefit gained by each existing developed or vacant allotment, capped by Council at \$7,000 per benefit unit, (refer to benefit unit definition below). Council's special rates and charges policy provides for levies to be paid in quarterly instalments that include principle and interest. For the Sealing the Hills program it has been decided that a maximum seven (7) payment period be adopted. The financial hardship provisions of this policy provide further relief to those owners demonstrating genuine financial hardship.

Following Council's resolution on the 13 December, 2021 included property owners were notified of the intention to declare a special charge by mail and by advertisement in the Pakenham Gazette and Hills Trader. Three submissions were received. The details of these submissions is provided in attachment 5 to this report.

Background

Burton Road, Morris Road and Young Street, Upper Beaconsfield are included for construction in Council's Sealing the Hills program. The properties included are shown on the plan included as attachment 2 to this report.

A survey of the property owners within the scheme boundary, (total of 54), was undertaken asking if they were in support of contributing to a special charge scheme at a capped contribution rate of \$7,000 per benefit unit, with a benefit unit being defined as:

- Existing lots, either developed or vacant, that gain, or will gain, primary (vehicular) access from a road being constructed would generally be required to contribute one benefit unit (\$7,000) towards the cost of construction.
- Existing lots, either developed or vacant, with side or rear abuttal to a road being constructed would generally be required to contribute one half benefit unit (\$3,500) towards the cost of construction.
- Existing lots, either developed or vacant, that gain, or will gain, primary access and also have side or rear abuttal to roads being constructed would generally be required to contribute one benefit unit (\$7,000) in total
- Existing lots that have the potential to be further subdivided or developed may be allocated a multiple development benefit unit charge.

Of the fifty four properties surveyed Council received thirty six, (36), responses, (or 65%). Thirty one, (85%), of these responses indicated support to contributing to the scheme, while seven, (15%), indicated opposition. Following consideration of the survey responses a special charge scheme has been prepared to part fund the construction Burton Road, Morris Road and Young Street Upper Beaconsfield.

Following Council's resolution on the 13 December, 2021 affected property owners were notified of the intention to declare a special charge. Three property owner submissions were received within the prescribed 28 day submission period.

Since preparing the preliminary construction plans it has been confirmed that the portion of Burton Road that extends onto 37 Burton and 103 Beaconsfield-Emerald Road to provide access to 41 Burton Road is actually a private carriageway easement specific for this purpose and that Council is not a beneficiary over this easement.

There were three submissions made to Council from the landowner's of 37 and 41 Burton Road and 103 Beaconsfield Emerald Road that were reviewed by the appointed committee of Council. All three submissions expressed a concern of undertaking the proposed road construction on private land and the associated public risk issues.

One of the landowners objected to this construction on their land, while the other two owners indicated support in some form, but wanted to be compensated for any land used for the construction and consideration of reducing their contribution, or not contributing to the scheme.

It has been recommended that these three properties be removed from the scheme and that the appropriate steps be taken to remove the driveway construction within the carriageway easement from Council's road register and advise the affected owners that they will be responsible for the future maintenance of the carriageway easement once the balance of Burton Road is constructed, (refer full details in submissions table - attachment 5.)

Policy Implications

The proposed special charge scheme has been developed in accordance with the provisions of the Local Government Act, Cardinia Council's Special Rate and Charge Policy and the adopted Sealing the Hills program. It is based on community benefit, health, safety, amenity and landowner support.

Section 163 of the Local Government Act provides that Council may not recover a greater portion of the cost of the works than calculated in accordance with the statutory 'benefit ratio' as set out in attachment 3 to the previous Notice of Decision report. Given that Council has capped the property owner contribution at \$7,000 per benefit unit, the proposed scheme is compliant.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

Climate Emergency Consideration

The Sealing the Hills project will consider climate emergency reduction issues such as:

- Minimising tree removal through innovative road design.
- Use of LED lighting to reduce energy emissions.
- Utilising local contractors and local road & drainage construction materials to minimise travel.
- Investigating the reuse and use of recycled road construction materials.

Consultation/Communication

A letter was sent in September of last year to the landowners of Burton Road, Morris Road and Young Street outlining specifics in relation to their inclusion in the Sealing the Hills program and the associated special charge scheme proposal. As a consequence of Covid 19 restrictions, no face to face community consultation could be undertaken. However, property owners were provided with the opportunity to speak directly to the project engineering and special charge scheme staff and to view the preliminary construction plans and special charge scheme information online.

In early October a questionnaire was sent to landowners asking them to indicate their support / opposition to contributing to a special charge scheme at the capped rate of \$7,000 per

benefit unit. As outlined above 36 questionnaire responses from the 54 included properties were received.

Following the Council resolution on the 13 December, 2021 to issue a notice of intention to declare a special charge, property owners were sent a letter and advertisements outlining the proposal placed in the Pakenham Gazette and Hills Trader, providing owners with the opportunity to make a submission or objection within the prescribed 28 day period.

Financial and Resource Implications

The scheme funding arrangements are as follows:

PRELIMINARY ESTIMATED COST OF PROJECT	\$2,235,600
Total Council Contribution (84%)	\$1,871,600
Benefitting Landowner Contribution (16%)	\$364,000

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

The Australian Government 150 million dollar grant will be used to fund Councils contribution.

Landowners will be offered the option of paying their contribution in full, or by quarterly instalments over seven years. Instalment payments will include principle and interest, with interest calculated at the declaration of the scheme based on Councils borrowing rate at the time plus one percent.

Council will require the first payment, either in full or by instalment, to be made within six months of the practical completion of the works.

Conclusion

That Council proceed to declare a special charge over the properties listed in attachment 4 to part fund the construction of Burton Road, Morris Road and Young Street, Upper Beaconsfield, including a sealed road pavement, kerb and channel and associated drainage and ancillary works, generally in accordance with the concept plans included in attachment 3.

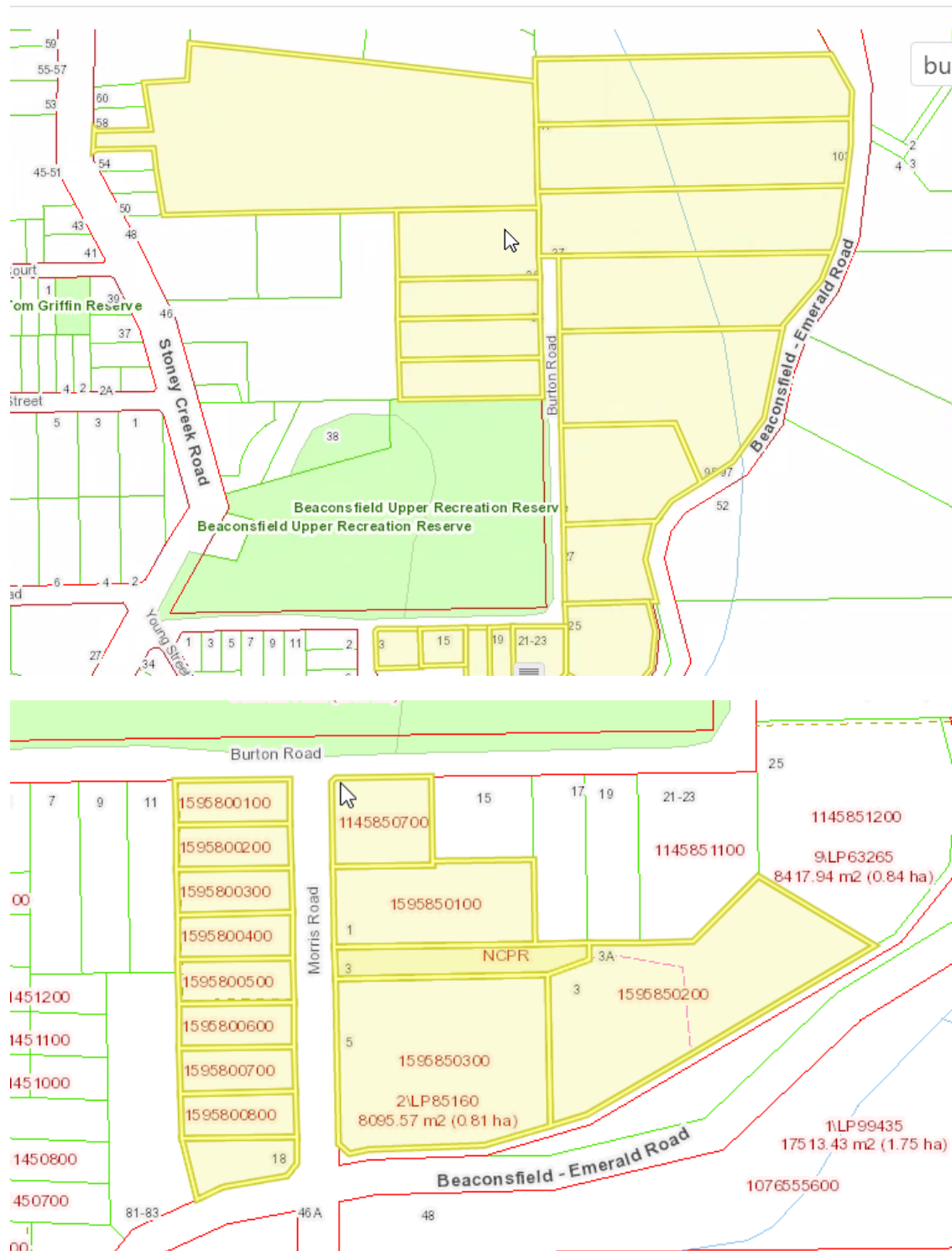
Sealing the Hills program Special Charge Scheme process checklist

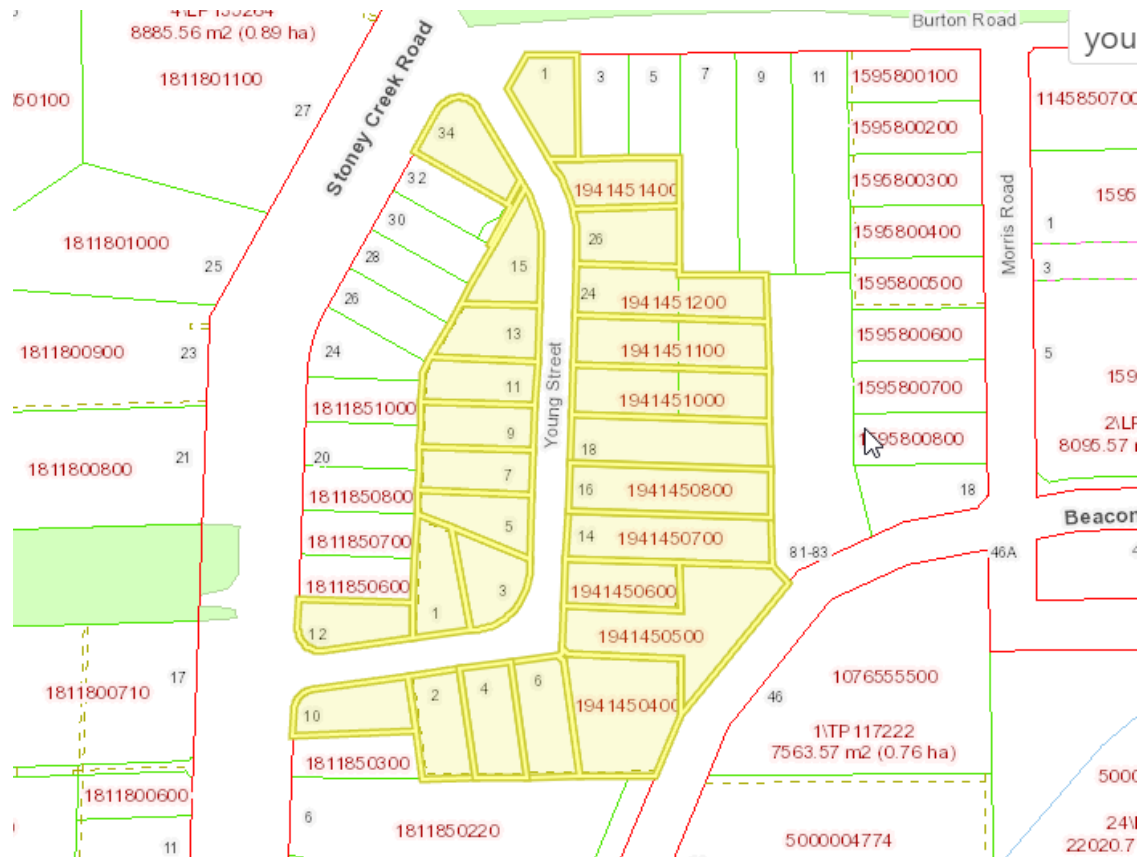


Special charge scheme projects (Section 163 Local Government Act)

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 scheme	Decision made to prepare scheme or to shelve project following consideration of the survey of property owners and feedback from the community. <ul style="list-style-type: none"> 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	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.
✓	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. <ul style="list-style-type: none"> After this the Finance Manager issues the levy notices and there is a formal charge placed on the property. 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.
✗	Construction	Council may then proceed to construction. Tenders are invited and a contractor appointed to construct the works. 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.
✗	Final cost report	At the completion of the works the scheme is <i>finalised</i> and a report presented to Council.

Burton, Morris, Young, - Stoney Creek Catchment



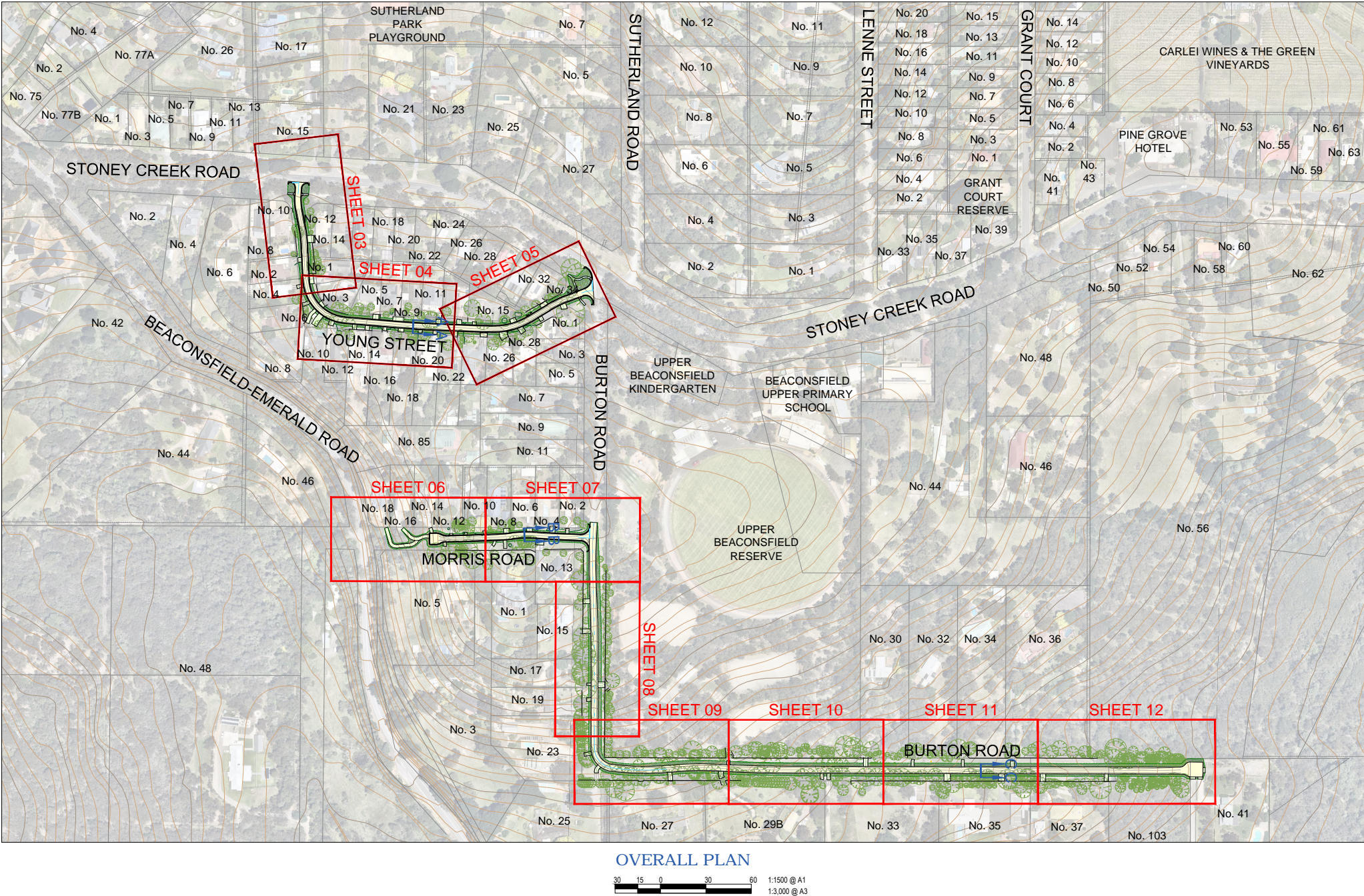


ROAD AND DRAINAGE RECONSTRUCTION WORKS

STONEY CREEK CATCHMENT, BEACONSFIELD UPPER

DRAWING INDEX

SHEET No.	TITLE
1	TITLE SHEET - DRAWING INDEX & OVERALL PLAN
2	TYPICAL SECTIONS A-A, B-B & C-C
3	GENERAL LAYOUT PLAN
4	GENERAL LAYOUT PLAN
5	GENERAL LAYOUT PLAN
6	GENERAL LAYOUT PLAN
7	GENERAL LAYOUT PLAN
8	GENERAL LAYOUT PLAN
9	GENERAL LAYOUT PLAN
10	GENERAL LAYOUT PLAN
11	GENERAL LAYOUT PLAN
12	GENERAL LAYOUT PLAN



01

COMMUNITY CONSULTATION PLAN

08-09-2021

00

COMMUNITY CONSULTATION PLAN

08-09-2021

VER

DESCRIPTION

DATE

CONSULTANT ENGINEER

PRO

CIVIL

CONSULTING ENGINEERING

Specialist Civil Engineering Design Consultants

Commitment | Communication | Collaboration

PROCIVIL CONSULTING PTY LTD

ABN 51 759 396 092

SUITE 9, 12 MAROONDHA HWY, RINGWOOD VIC 3134

PO BOX 164, RINGWOOD VIC 3134

P: (03) 8644 6834

E: info@procivil.com.au

www.procivil.com.au

CIVIL ENGINEERING DESIGN

KURT CHAMBERLAIN

REGISTERED & CHARTERED PROFESSIONAL ENGINEER

CHRIS PROCTOR

TECHNICAL PEER REVIEW

CHRIS PROCTOR

ORIENTATION

OR AS SHOWN

ORIGINAL SCALE & SHEET SIZE

AS SHOWN @ A1

HEIGHT DATUM

AHD

COORDINATE DATUM

MSA 54 ZONE 55

SURVEY DATE

03-08-2021

AERIAL IMAGE DATE

12-12-2020

LOCAL GOVERNMENT AREA

SHIRE OF CARDINIA

Cardinia

CLIENT

DANIEL POTTER | CARDINIA SHIRE COUNCIL

COMMUNITY CONSULTATION PLAN

ROAD AND DRAINAGE RECONSTRUCTION WORKS

STONEY CREEK CATCHMENT, BEACONSFIELD UPPER

TITLE SHEET - DRAWING INDEX & OVERALL PLAN

PROJECT No.

PC21019

SHEET No.

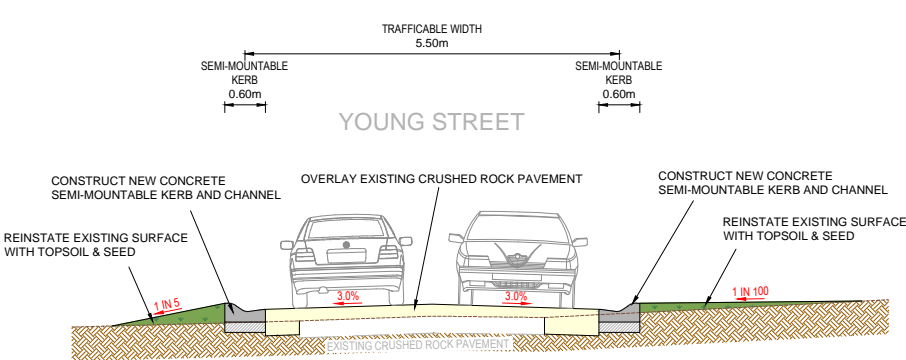
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VERSION

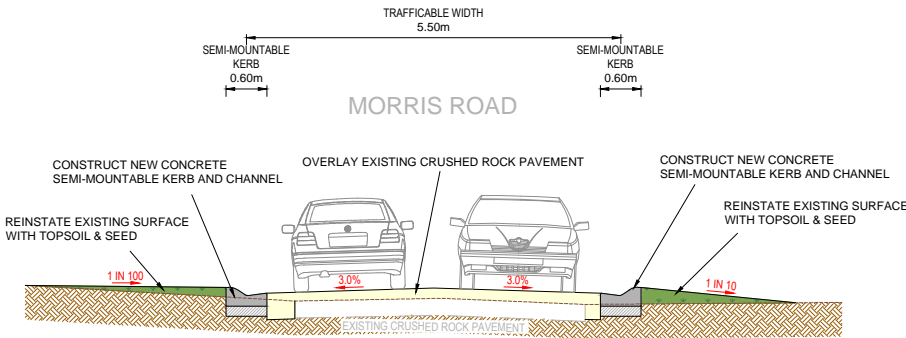
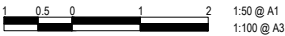
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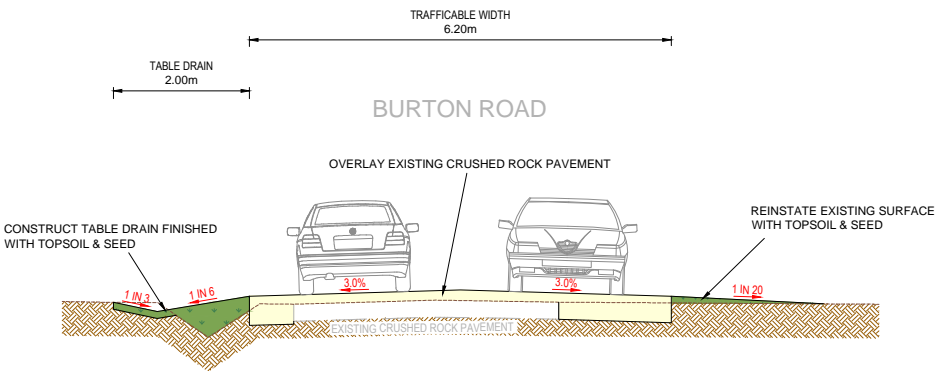
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SECTION A-A - YOUNG STREET

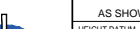



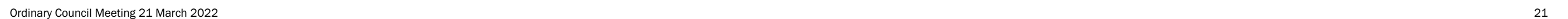
SECTION B-B - MORRIS ROAD

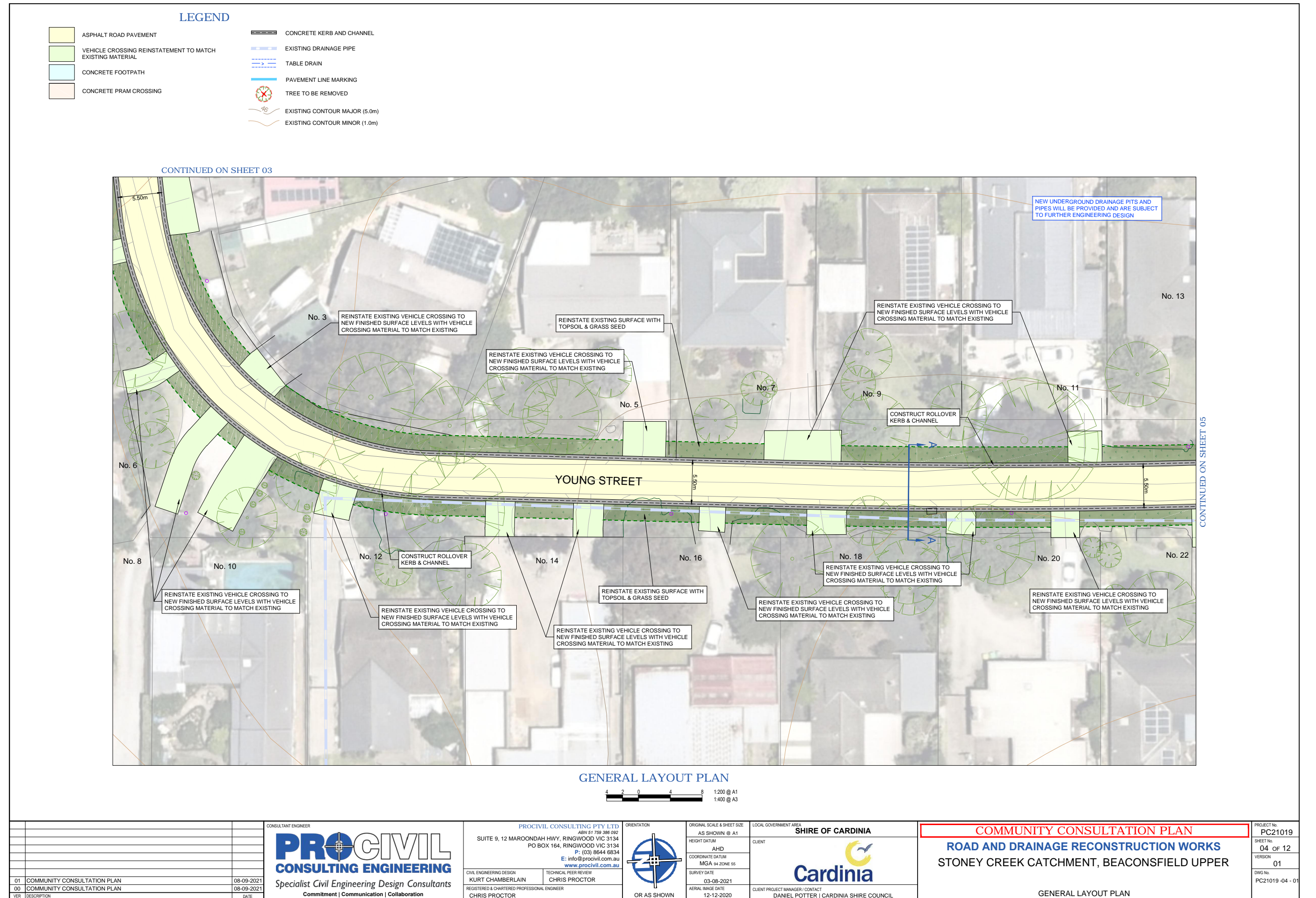


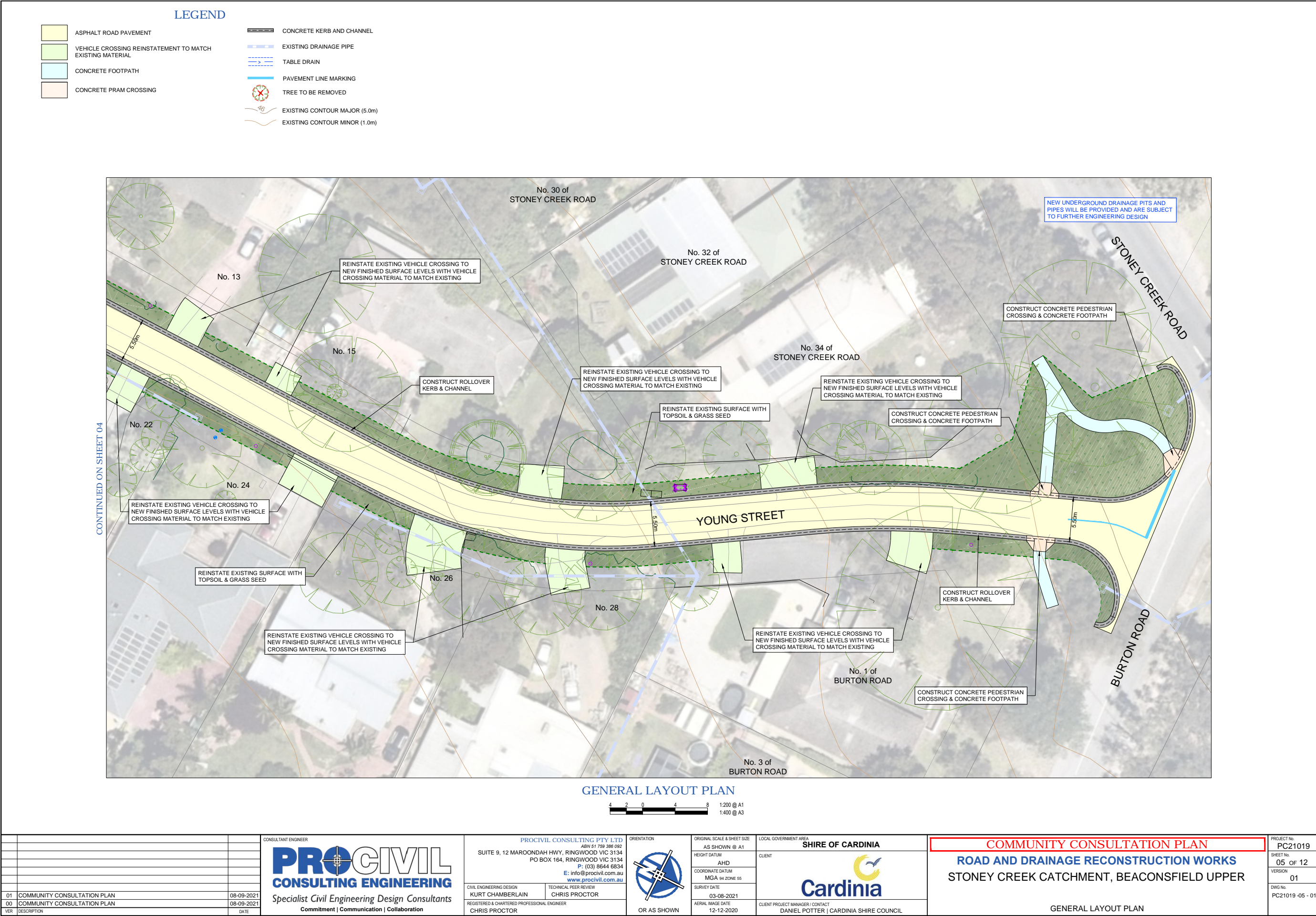
SECTION C-C - BURTON ROAD

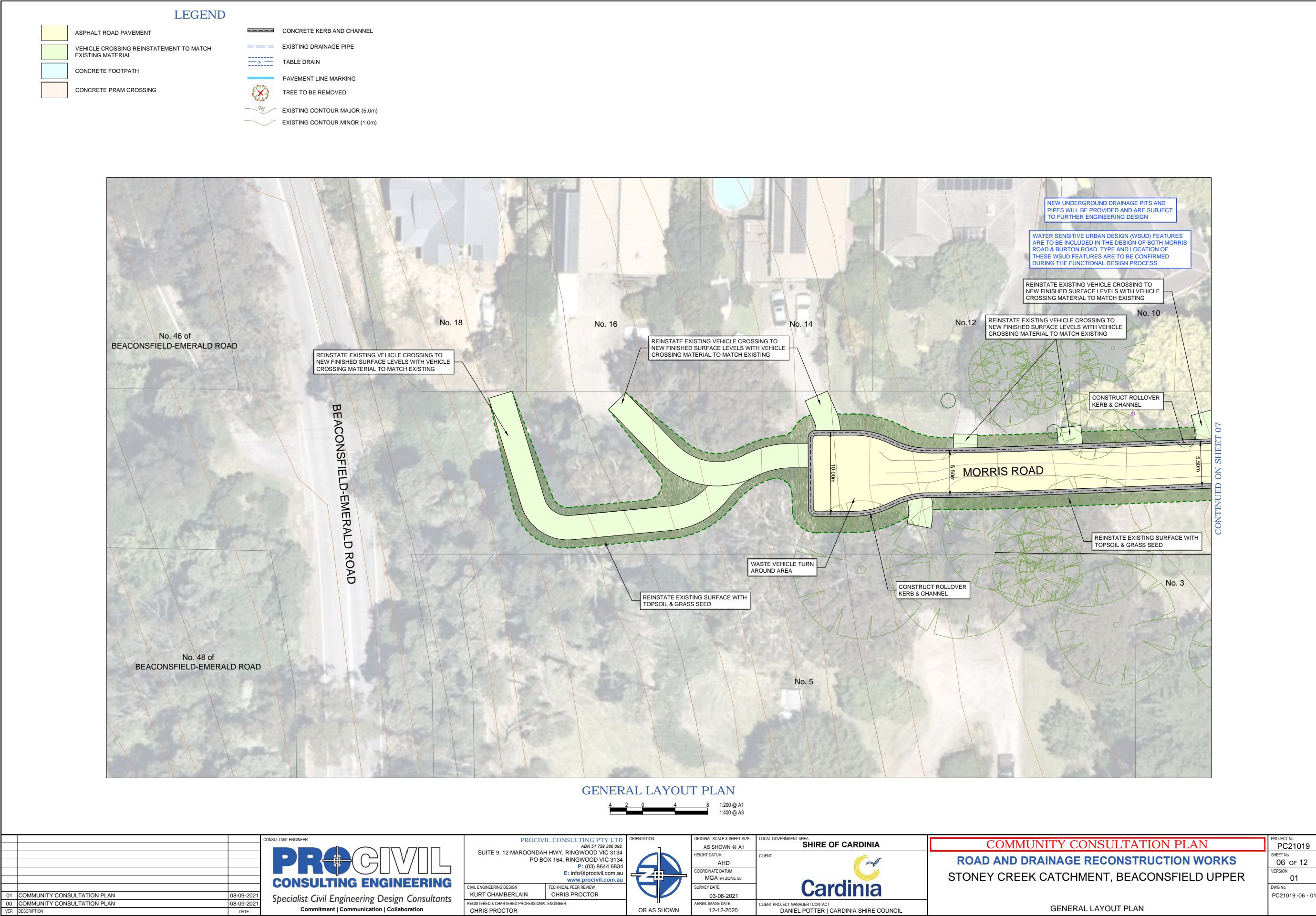


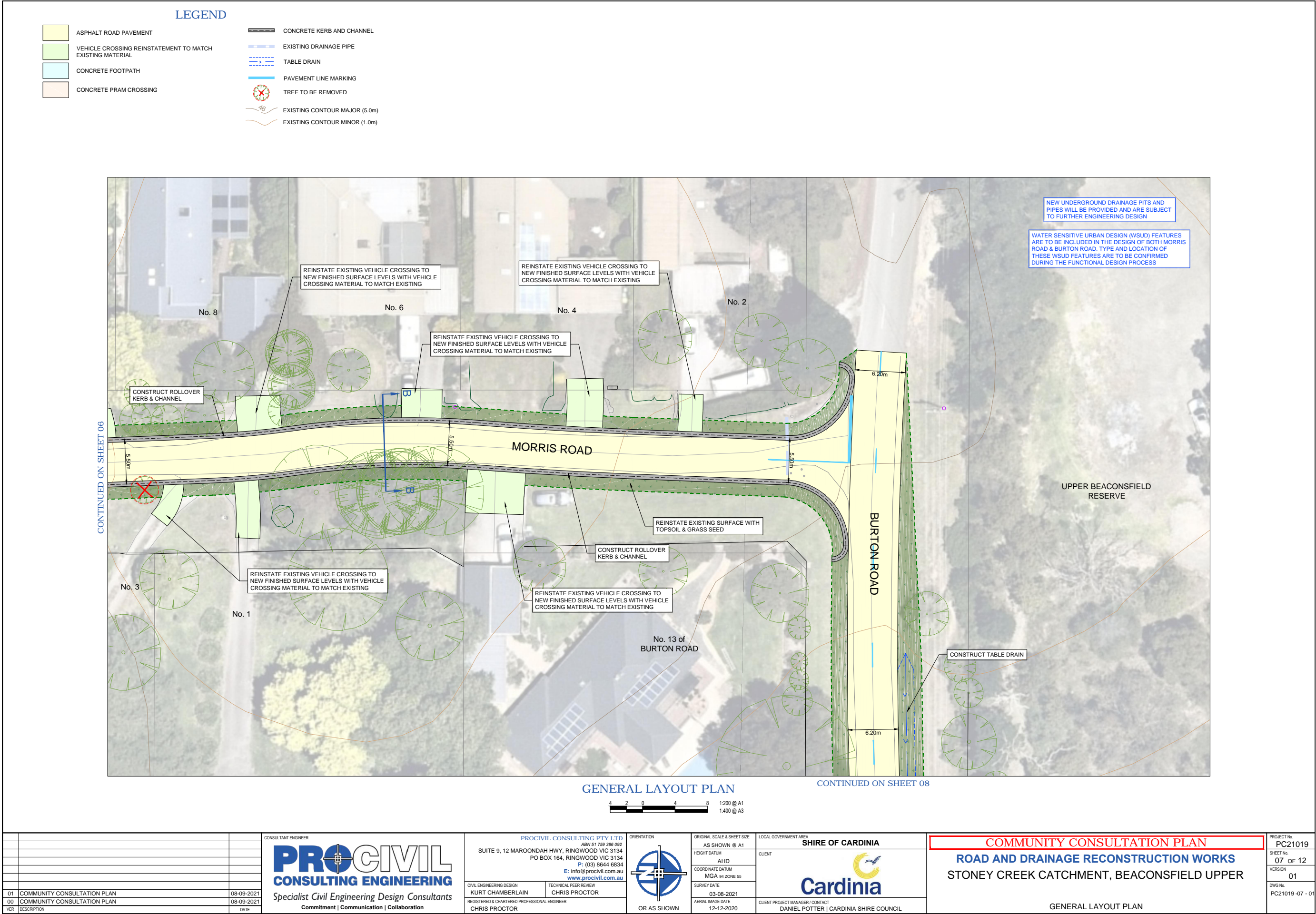
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01	COMMUNITY CONSULTATION PLAN	08-09-2021		CIVIL ENGINEERING DESIGN KURT CHAMBERLAIN		TECHNICAL PEER REVIEW CHRIS PROCTOR											
00	COMMUNITY CONSULTATION PLAN	08-09-2021		REGISTERED & CHARTERED PROFESSIONAL ENGINEER CHRIS PROCTOR													
VER	DESCRIPTION	DATE															

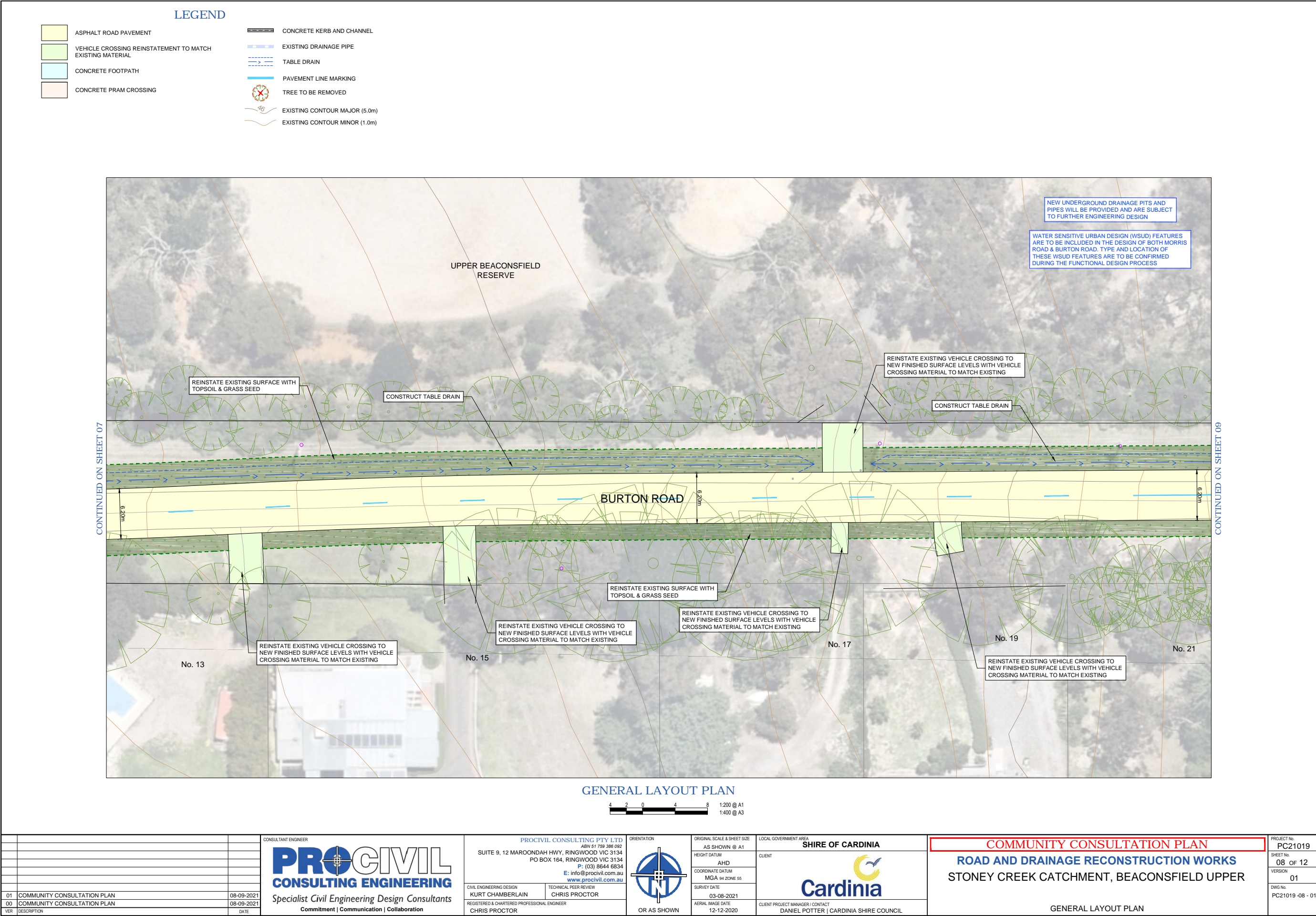


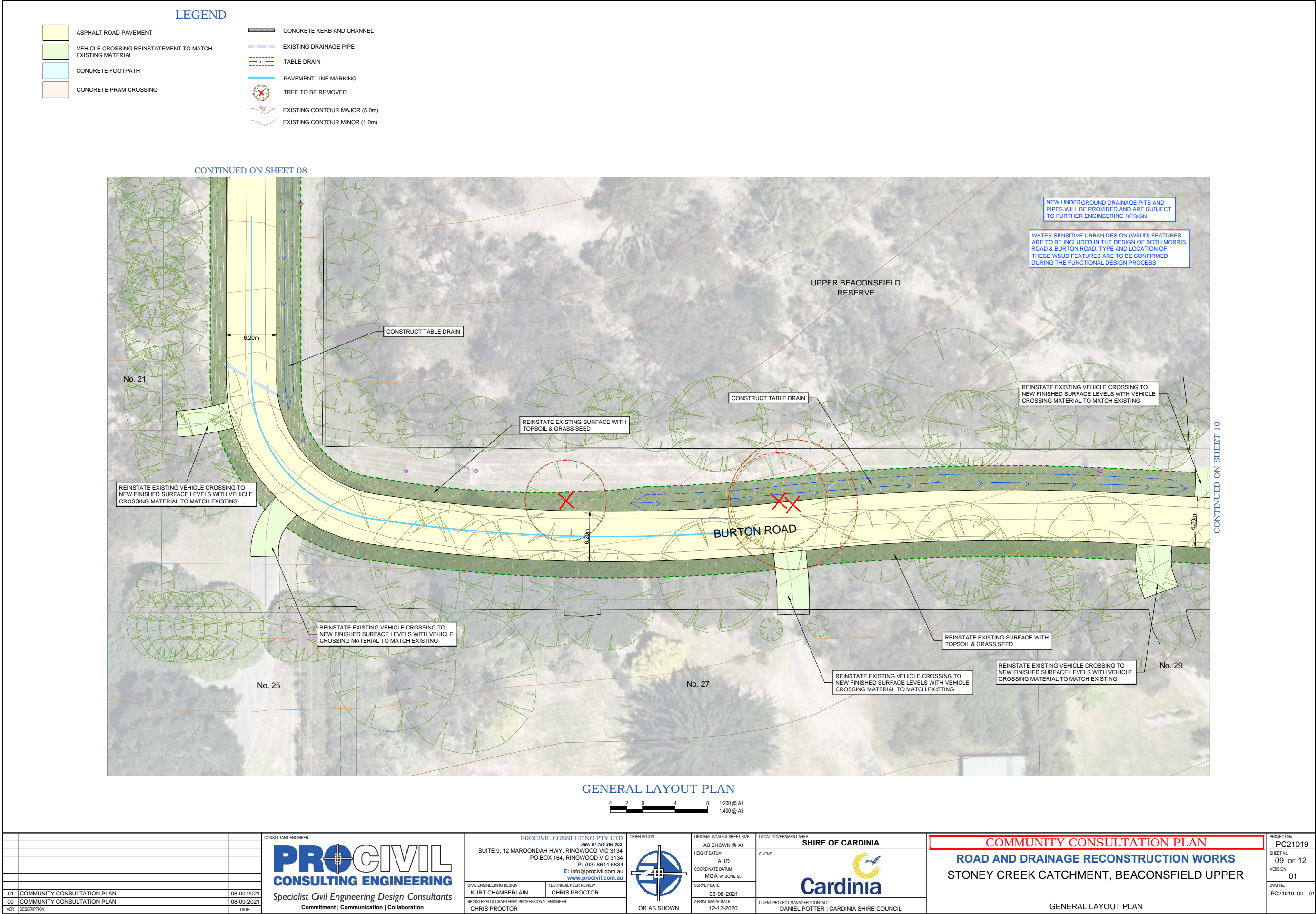


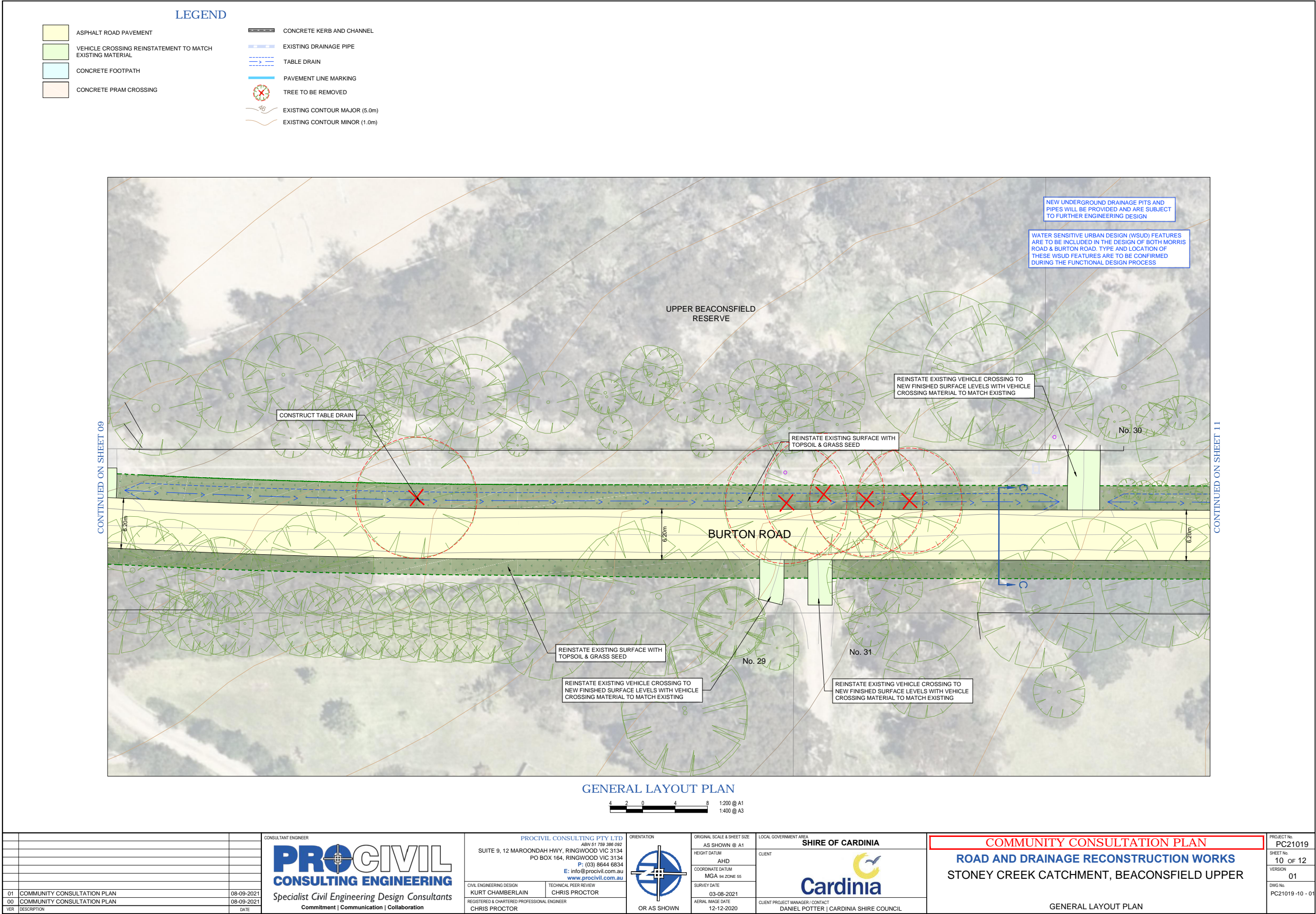


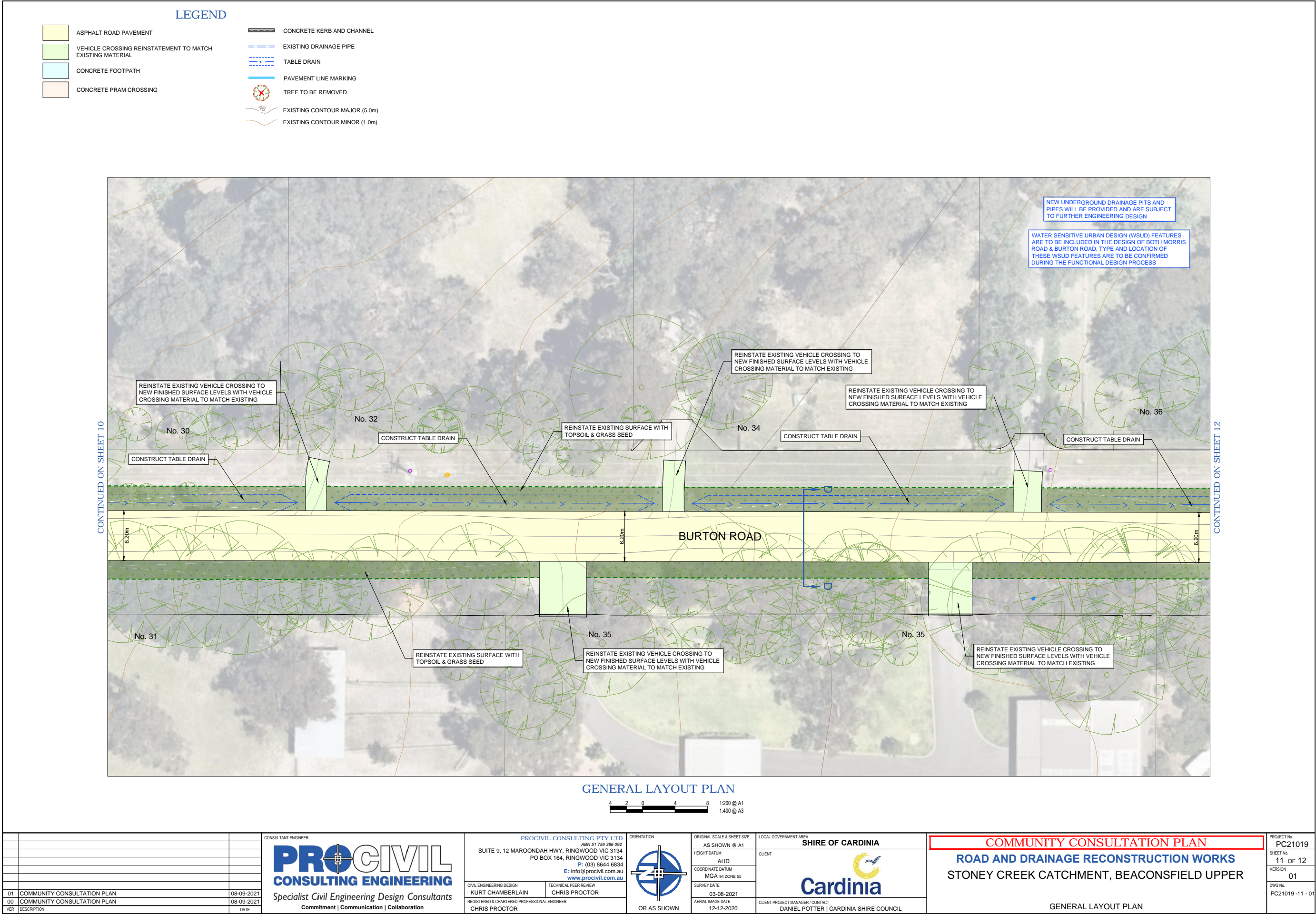


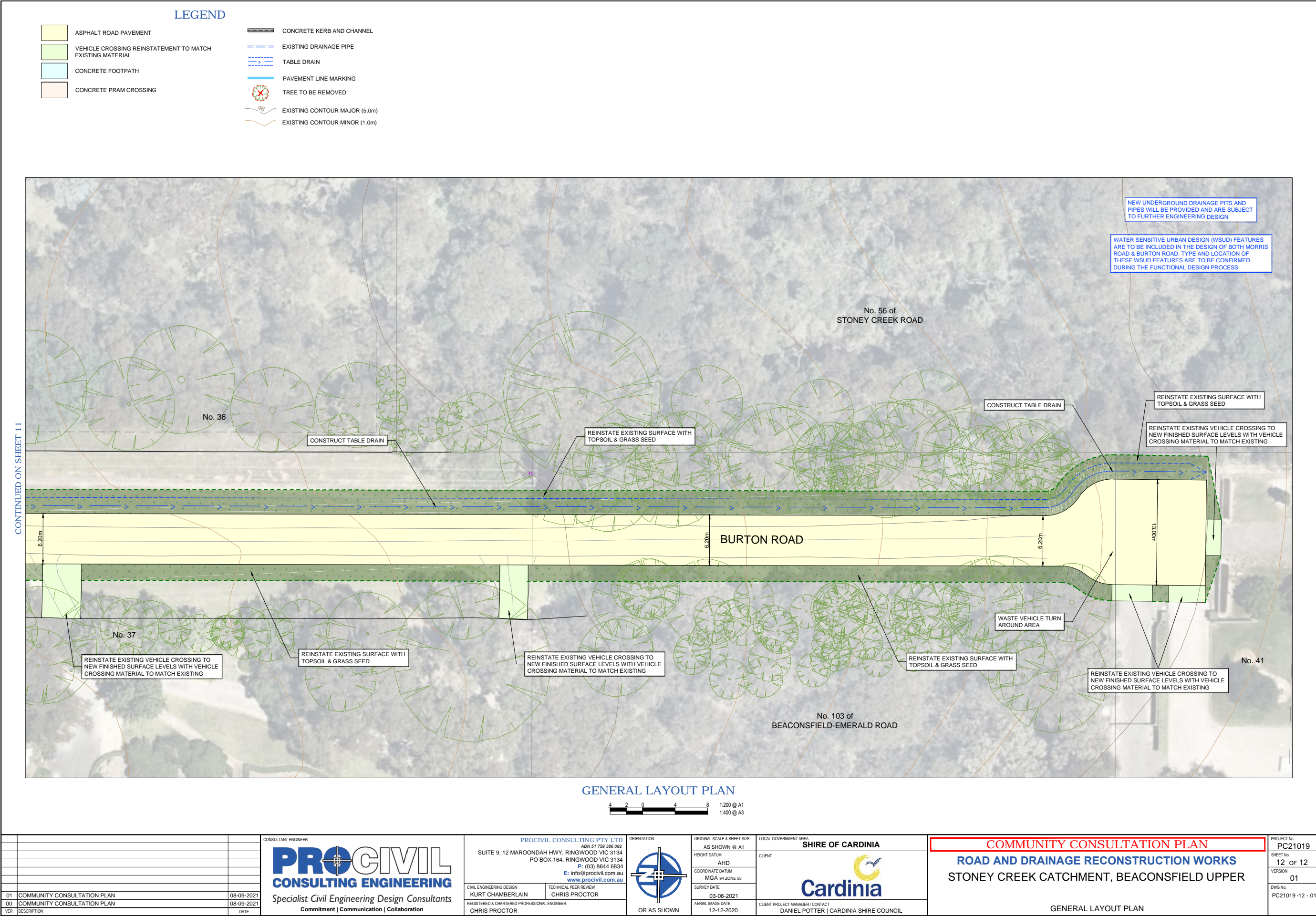












Major Roads Program - Special Charge Scheme (SCS) Apportionment Sheet - Stoney Creek Catchment
Roads - Buton Road, Morris Road and Young Street, Beaconsfield Upper

PROJECT COST SUMMARY	
Total Project Cost (Inc. Design, Supervision/Admin & Offset)	\$2,235,600.00
Total Council Contribution	\$1,871,600.00
Total Landowner Contribution	\$364,000.00
Financing Costs	\$31,850.00

COUNCIL COST SUMMARY	
Council 30% Contribution	\$670,680.00
Subsidy for costs above FedFund ceiling	\$1,200,920.00
Total Council Cost	\$1,871,600.00

APPORTIONMENT SUMMARY	
Unit Ratio =	100
Total Landowner Units =	52
Total Council Units =	Nil
\$ / Unit =	\$30,094.62
FedFund Ceiling \$/ Unit =	\$7,000.00

DESCRIPTION	PROPERTY ADDRESS	ASSESSMENT NO.	DEVELOPMENT / BENEFIT UNIT	CHARGE FOR THE WORKS	ADJUSTED FOR CEILING	FINANCING CHARGE	TOTAL CHARGE	YEARLY CHARGE
L17 LP42247	10 Stoney Creek Rd	1811850400	0.5	\$ 15,047.31	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L16 LP42247	12 Stoney Creek Rd	1811850500	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP109678	34 Stoney Creek Rd	1811851600	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CA 9A SEC D Parish of Gembrook, CA 90	56 Stoney Creek Rd	1811851700	0	\$ -	\$ -	\$ -	\$ -	\$ -
L43 LP42247 V8867 F133	1 Young St	1941400100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L19 LP42247 V8867 F109	2 Young St	1941450100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L42 LP42247	3 Young St	1941400200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L20 LP42247	4 Young St	1941450200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L41 LP42247 V8867 F131	5 Young St	1941400300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L21 LP42247	6 Young St	1941450300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L40 LP42247 V8867 F130	7 Young St	1941400400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L22 LP42247 V8867 F112	8 Young St	1941450400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L39 LP42247	9 Young St	1941400500	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP174793	10 Young St	1941450500	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L38 LP42247 V8867 F128	11 Young St	1941400600	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L24 LP42247 V8867 F114	12 Young St	1941450600	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L37 LP42247	13 Young St	1941400700	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP172837 V9949 F184	14 Young St	1941450700	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L36 LP42247	15 Young St	1941400800	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP170494	16 Young St	1941450800	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP173161	18 Young St	1941450900	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L28 LP42247 L1 TP122364	20 Young St	1941451000	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L29 LP42247 V9936 F482	22 Young St	1941451100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L30 LP42247	24 Young St	1941451200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L31 LP42247	26 Young St	1941451300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L32 LP42247	28 Young St	1941451400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L11 LP63265	1 Morris Rd	1595850100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP51710	2 Morris Rd	1595800100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 LP85160	3 Morris Rd	1595850200	2	\$ 60,189.23	\$ 14,000.00	\$ 1,225.00	\$ 15,225.00	\$ 2,175.00
L5 LP51710	4 Morris Rd	1595800200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP85160	5 Morris Rd	1595850300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP51710 V9031 F329	6 Morris Rd	1595800300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L7 LP51710	8 Morris Rd	1595800400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L8 LP51710	10 Morris Rd	1595800500	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L9 LP51710	12 Morris Rd	1595800600	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP228573	14 Morris Rd	1595800700	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP134413 V9568 F389	16 Morris Rd	1595800800	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L33 LP42247	1 Burton Rd	1145850100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 P5645405 V11390 F980	18 Morris Rd	5000014199	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 LP58300	13 Burton Rd	1145850700	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP58300	15 Burton Rd	1145850800	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L5 LP58300	17 Burton Rd	1145850900	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L6 LP58300 V8792 F902	19 Burton Rd	1145851000	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
CP153014	21-23 Burton Rd	1145851100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L9 LP63265	25 Burton Rd	1145851200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 P5413104	27 Burton Rd	1145851301	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 P5413104 V10461 F283	29 Burton Rd	1145851350	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L4 LP89145	30 Burton Rd	1145800100	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L3 LP89145	32 Burton Rd	1145800200	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L2 LP89145	34 Burton Rd	1145800300	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 LP57656	35 Burton Rd	1145851400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 LP89145	36 Burton Rd	1145800400	1	\$ 30,094.62	\$ 7,000.00	\$ 612.50	\$ 7,612.50	\$ 1,087.50
L1 TP136048 V9732 F367	37 Burton Rd	1076505900	0	\$ -	\$ -	\$ -	\$ -	\$ -
L4 LP57656 V8424 F811	41 Burton Rd	1145851500	0	\$ -	\$ -	\$ -	\$ -	\$ -
L1 TP534466	95-97 Beaconsfield-Emeral	1076505800	0.5	\$ 15,047.31	\$ 3,500.00	\$ 306.25	\$ 3,806.25	\$ 543.75
L3 LP57656 V08424 F810	103 Beaconsfield-Emeral	1076506000	0	\$ -	\$ -	\$ -	\$ -	\$ -

Total	52	\$ 1,564,920.00	\$ 364,000.00	\$ 31,850.00	\$ 395,850.00	\$ 56,550.00
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Notes	
Total project cost includes 15% design/supervision/admin allowance	
Financing charge estimated on 5% interest paid in quarterly installments over a 7 year repayment period	

Survey Response to the SCS Questionnaire

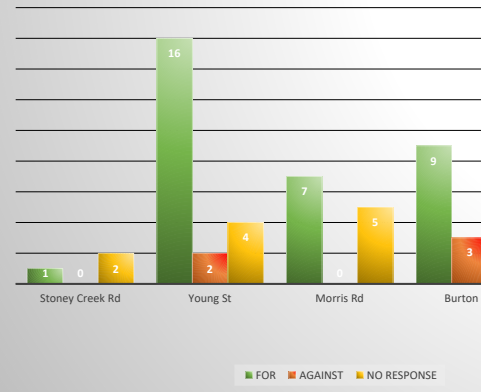
PROPERTY ADDRESS	FOR	AGAINST	NO RESPONSE
10 Stoney Creek Rd	1		
12 Stoney Creek Rd			1
34 Stoney Creek Rd			1
Total	1	0	2
1 Young St	1		
2 Young St	1		
3 Young St			1
4 Young St	1		
5 Young St	1		
6 Young St	1		
7 Young St	1		
8 Young St	1		
9 Young St	1		
10 Young St	1		
11 Young St			1
12 Young St			1
13 Young St	1		
14 Young St	1		
15 Young St	1		
16 Young St	1		
18 Young St	1		
20 Young St		1	
22 Young St	1		
24 Young St	1		
26 Young St			1
28 Young St		1	
Total	16	2	4
1 Morris Rd	1		
2 Morris Rd	1		
3 Morris Rd	1		
4 Morris Rd	1		
5 Morris Rd			1
6 Morris Rd	1		
8 Morris Rd	1		
10 Morris Rd			1
12 Morris Rd			1
14 Morris Rd			1
16 Morris Rd	1		
18 Morris Rd			1
Total	7	0	5
1 Burton Rd			1
13 Burton Rd			1
15 Burton Rd			1
17 Burton Rd		1	
19 Burton Rd		1	
21-23 Burton Rd	1		

25 Burton Rd	1		
27 Burton Rd	1		
29 Burton Rd			1
30 Burton Rd	1		
32 Burton Rd	1		
34 Burton Rd	1		
35 Burton Rd	1		
36 Burton Rd	1		
37 Burton Rd		1	
41 Burton Rd	1		
Total	9	3	4
95-97 Beaconsfield-Emerald Rd			1
103 Beaconsfield-Emerald Rd			1
Total	0	0	2

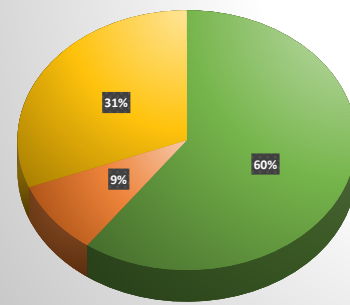
OVERALL TOTAL	33	5	17
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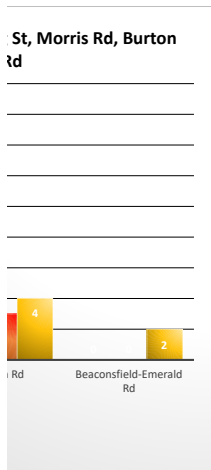
Individual Roads Graph

ROAD	FOR	AGAINST	NO RESPONSE
Stoney Creek Rd	1	0	2
Young St	16	2	4
Morris Rd	7	0	5
Burton Rd	9	3	4
Beaconsfield-Emerald Rd	0	0	2

SCS Survey Response - Stoney Creek Rd, Young Rd, Beaconsfield-Emerald R**Overall Response for Catchment**

For	33
Against	5
No Response	17

Stoney Creek Catchment - Overall Survey Respons



Confidential: for Councillors only

Minutes – consideration of submissions to Stoney Creek Road, Upper Beaconsfield catchment Special Charge Scheme

Meeting:	Stoney Creek Road Catchment, (Burton, Morris & Young, Beaconsfield Upper)	Date	Tuesday, 1 February 2022		
Chair	Ken White	Location	Teams online		
Minute taker	Ken White	Start	2.00pm	End:	2.25pm
Participants	Cr Jeff Springfield, Cr Brett Owen, David Fice, Dan Hammond, Ken White, Donna Bird, Nicole Alvares, Tom Callander, Catherine Liversidge				
Apologies	Peter Benazic				
Meeting outcome statement	Local Government Act 1989 Section 223 hearing to consider submissions for Stoney Creek Road, Upper Beaconsfield catchment Special Charge Scheme. (Note full copies of submissions together with a summary distributed to all meeting participants)				

Item	Subject/submitter	Summary	Officer comments	Committee recommendation
1.	Review scheme	<ul style="list-style-type: none"> The existing road construction plans show the road being constructed within a carriageway easement over 37 Burton Road and 103 Beaconsfield-Emerald Road to service 41 Burton Road. 	<ul style="list-style-type: none"> Council is not a beneficiary of the carriageway easement. Council will not be able to construct the road within the carriageway easement without the benefitting landowner's consent. 	<ul style="list-style-type: none"> That we amend the construction plans to end the construction at the southern boundary of 37 Burton Road and construct an appropriate vehicle turning area at this location. That we advise the owners of 35 and 36 Burton Road of the amended vehicle turnaround location.
2.	Review apportionment, Council and landowner contributions	<ul style="list-style-type: none"> The owners of 37 and 41 Burton Road have been asked to contribute 1 benefit, (\$7,000), each and 103 Beaconsfield- 	<ul style="list-style-type: none"> Acknowledge that it will not be possible to construct the road on private property without the landowners, who are the 	<ul style="list-style-type: none"> That we remove 37 and 41 Burton Road and 103 Beaconsfield-Emerald Road from the scheme. Although it

		Emerald Road has been asked to contribute 0.5 benefit unit, (\$3,500), on the basis that they have rear abuttal to Burton Road and do not gain access from this road.	beneficiaries of the carriageway easements, consent.	could be argued that they still receive benefit, this benefit is offset by the withdrawal of future maintenance of the construction within the carriageway easement.
3.	Tom Callander, (solicitor), on behalf of Catherine Liversidge – 37 Burton Road (written & verbal submission)	<ul style="list-style-type: none"> Road is being constructed on private property as carriageway easement through 37 Burton Road was only created to provide access to 41 Burton Road. Landowner objects to any road construction on her private land. Construction of Burton Road is undesirable and unnecessary past 27 Burton as it will have an environmental impact and change the rural amenity of the area. 	<ul style="list-style-type: none"> Acknowledge that it will not be possible to construct the road on private property without the landowners, who are the beneficiaries of the carriageway easements, consent. Acknowledge the public risk issues associated with maintaining the existing driveway located within the carriageway easements to service 41 Burton Road. Acknowledge that all property owners between 27 Burton Road and 37 Burton Road indicated their support for the scheme. 	<ul style="list-style-type: none"> That we amend the construction plans to end the construction at the southern boundary of 37 Burton Road and construct an appropriate vehicle turning area at this location. That we amend the special charge to remove the landowner contribution of 37 Burton Road, 103 Beaconsfield-Emerald Road and 41 Burton Road. That Council commence the administrative process to remove the construction located within the carriageway easements located on 37 Burton Road and 103 Beaconsfield-Emerald Road from Councils Road Register and that the affected landowners be advised that they will be responsible for the future maintenance of this section.
4.	Raman Hanin – 103 Beaconsfield-Emerald Road (written submission)	<ul style="list-style-type: none"> Does not require access from Burton Road. Concerned about the public liability issues as associated with the public having access to the existing constructed carriageway easement. 	<ul style="list-style-type: none"> Acknowledge that it will not be possible to construct the road on private property without the landowners, who are the beneficiaries of the carriageway easements, consent. 	<ul style="list-style-type: none"> As per the recommendation in 3 above.

		<ul style="list-style-type: none"> Requires compensation for the land under the carriageway easement if the road construction extends to 41 Burton Road. 	<ul style="list-style-type: none"> The scheme has no provision for the expensive purchase of the carriageway easement land. 	
5.	Kane Rose – 41 Burton Road (written submission)	<ul style="list-style-type: none"> Support the scheme proceeding but has a concern about the public liability issues as associated with the public having access to the existing constructed carriageway easement. Requires compensation for the land under the existing vehicle turnaround area that extends into 41 Burton Road. Has concerns about existing and future road drainage issues that may affect his land. 	<ul style="list-style-type: none"> Acknowledge that it will not be possible to construct the road on private property without the landowners, who are the beneficiaries of the carriageway easements, consent. The scheme has no provision for the expensive purchase of the carriageway easement land. The road drainage issues will be taken into consideration as part of the overall road design. 	<ul style="list-style-type: none"> As per the recommendation in 3 above.
6.	Committee's recommendation to Council	<ol style="list-style-type: none"> That Council proceed to declare a special charge scheme following the removal of 37 and 41 Burton Road and 103 Beaconsfield-Emerald Road from the scheme to construct the Stoney Creek Road, Upper Beaconsfield catchment that includes Burton Road, Morris Road and Young Street. The submitters be advised accordingly, and the recommendations made with respect to their submissions Council proceed to prepare details design plans for the construction of the Stoney Creek Road, Upper Beaconsfield catchment that includes Burton Road, Morris Road and Young Street. 		