

## Attachment 2 – Summary of submissions received by Council

The following is a summary of the comments and questions raised in the submissions received by Council, followed by a Council officer response:

Comment/Question	Officer Comment
<i>Various issues in relation to View Hill Crescent, Eltham, regarding traffic drainage, dust, parking and street lighting</i>	These issues (along with any other property owner comments) will be considered as part of the development of any scheme for View Hill Crescent. A meeting with the property owners in the affected section of View Hill Crescent is proposed to take place following the adoption of the new policy.
<i>Does the new policy provide for greater flexibility in relation to design standards, with its current wording?</i>	Yes, the 0.4ha figure will still be used to guide Council in its recommendation of a design standard. However, in changing the wording from 'required' to 'recommended', the possibility of the 'rural' standard being applied in an 'urban' area is allowed for, subject to engineering aspects being addressed.
<i>Enquiry regarding the meaning of Section 4.2, which states: 'The additional objection process outlined in Section 163B will apply to schemes where Council will recover more than two thirds of the total cost, unless exempted under Section 163B (2).'</i>	The wording 'schemes where Council will recover more than two thirds of the total cost', is a reference to the requirements of the <i>Local Government Act 1989</i> (the Act). The right to lodge an objection (under Section 163B) only exists where Council is recovering more than two thirds of the cost from property owners. In other words, if Council contributes more than a third of the total cost of the works, property owners can still lodge a submission, but not an objection.

<p><i>Can grey coloured concrete be specified in the design standard, to blend into the natural environment?</i></p>	<p>Coloured concrete is an option that may be considered as part of the consultation process for a scheme. However, due to its higher cost, Council would not specify its use, unless it was largely supported by the property owners involved. Therefore, it hasn't been specified within the policy.</p>
<p><i>Explain the difference between 'asphalt pavement' and 'sprayed seal'.</i></p>	<p>'Asphalt pavement' and 'Sprayed Seal' refers to the two road surfacing options, which are widely used in the Shire:</p> <p>Asphalt is ready made mixture of stones and binding agent (typically bitumen) that is delivered to the site (at temperature) and laid in place.</p> <p>A sprayed seal is a two part surfacing that first involves spraying a thin layer of bitumen on the ground, followed by placing a layer of stones, which are then rolled into the bitumen. This process needs to be repeated within 6 to 12 months.</p>
<p><i>Minor formatting and grammatical changes, suggested.</i></p>	<p>Highlighted changes will be updated in the final adopted policy, along with other minor formatting and editing.</p>
<p><i>Council is shifting its responsibilities for maintaining roads and drainage to its residents</i></p>	<p>Council is responsible for the management of its roads, which includes any infrastructure upgrades, such as the sealing of a road. A Special Charge Scheme does not shift this responsibility, but represents a financial decision by Council to fund the works via the benefiting property owners, as opposed to from general rates.</p>

<p><i>The new policy complicates the process and disadvantages time poor residents</i></p>	<p>While the process outlined in the policy does contain many steps, these are necessary in order to ensure that affected property owners are given the opportunity to inform the process and to ensure compliance with the Act.</p>
<p><i>Many elements of the new policy are subjective and open to the interpretation of Council</i></p>	<p>There are elements and terms within the policy which are subjective in nature. Any road that is investigated for a Special Charge Scheme will have a unique set of circumstances surrounding it and involve a unique group of affected property owners. As such, it is not considered practical to introduce a policy that gives a definitive outcome to every situation that may arise.</p>
<p><i>Council should not have the discretion to proceed with scheme, where there is less than 60% support, unless it is willing to fund the entire works</i></p>	<p>Section 6.3 of the policy provides for Council to make a contribution where there is 'exempt land', 'community benefit', or for the upgrade (or replacement) of infrastructure within the scheme. This applies independent of level of support. The policy does allow for a scheme to proceed with a level of support below 60%, however, only where there is 'reasonable justification'. There are a number of factors listed in the policy that may influence this decision.</p>
<p><i>Public notices should be supplied by mail to all involved residents.</i></p>	<p>The policy (and the Act) already requires that the public notice be sent to all included property owners.</p>

<p><i>In light of the policies of some neighbouring Council's and the financial benefits to Council in terms of reduced maintenance, Council should share some of the financial burden, which the residents will incur.</i></p>	<p>As mentioned above, Council does have the ability to make a financial contribution to a scheme. However, Council may not be financially capable of making a contribution to the many number a roads that could potentially be subject to a scheme. Therefore it is not recommended that a default contribution be adopted as part of this policy.</p>
<p><i>Council should consider abolishing schemes altogether and only seal roads at its own cost.</i></p>	<p>There is a diversity of opinions surrounding the merits of Special Charge Schemes. That's why the draft policy only recommends initiating a scheme where there is at least 60% support from property owners. However abolishing schemes altogether would deny many property owners any avenue to having there road sealed and is therefore not recommended.</p>
<p><i>Specific issues in relation to the Fordhams Road Special Charge Scheme.</i></p>	<p>These issues will be considered as submissions to the Fordhams Road Special Charges Scheme.</p>
<p><i>Concerns relating to the fairness and equity of compelling property owners to pay for infrastructure that they (or the minority) do not support.</i></p>	<p>The first objective of the policy is 'to ensure fairness, equity and consistency in the application of Special Charges'. Council recognises that most roads will not be supported by all of the property owners. However, the wishes of those property owners seeking an improvement to the standard of their road also need to be considered and this is why a minimum level of support of 60% is recommended.</p>
<p><i>Insufficient time has been allowed for submissions.</i></p>	<p>The consultation period for the draft policy was three weeks. Submissions have also been accepted after the official closing date.</p>

<p><i>All correspondence should be sent by registered mail to prevent instances of fraud.</i></p>	<p>While this will be taken into consideration, the method of corresponding with property owners is largely considered an operational decision. Therefore it not recommended that this be included in the policy. Section 2.3 requires that the follow up questionnaire to non-respondents be sent by registered mail. However, this is included for the purposes of emphasising that Council is going to considerable efforts to include all votes.</p>
<p><i>There is a lack of clarity around the term 'reasonable justification', in relation to proceeding with schemes where there is less than 60% support. Factors (a) to (e) should be more clearly defined.</i></p>	<p>Factors are listed, that may be considered when making a decision to proceed with a scheme, where there is less than 60%. It is not practical to define these in absolute terms due the unique set of circumstances surrounding each scheme.</p>
<p><i>Is it possible that a mix of design standards could be apply to the one scheme? Would the costs be calculated separately for each section?</i></p>	<p>A mix of design standards is allowed for under the proposed policy. All property owners within the one Special Charge Scheme will have their costs apportioned in accordance with the 'Guidelines for apportionment of costs for road construction'.</p>
<p><i>Council should put funds aside each year and systematically upgrade its unsealed roads as: this benefits everyone, residents aren't financially disadvantaged, there are health and safety benefits and maintenance is reduced.</i></p>	<p>There are approximately 320km of unsealed roads in the Shire. Funding these would require a significant contribution from all ratepayers through general rates. However, not all Shire residents benefit from road sealing projects.</p>
<p><i>Council should develop a validation process to determine the claims made by owners in favour of a scheme, particularly in relation to road safety and dust.</i></p>	<p>The threshold for adoption of a scheme is the majority of residents (60%). Arguments for and against the scheme are generally discussed during the consultation process.</p>

<p><i>With regard to the extent of the works, Council should adopt a more flexible approach to retain sections of unsealed roads that aren't required due to dust and drainage issues.</i></p>	<p>The proposed policy states that a scheme must start from a sealed road and is expected to continue to at least the nearest intersection. However, there is an allowance for a reduced extent of works, where a safe and practical end point can be achieved, pending the support of the property owners involved.</p>
<p><i>Council should develop a new cost allocation formula that takes into account the benefits for property owners, particularly in relation to road usage</i></p>	<p>The review that was undertaken into the Special Charge Scheme Policy, examined schemes elsewhere and considered issues around consistency and fairness. It recommended that the current apportionment of costs formula be maintained. Council officers support the review's recommendation, as it provides consistency with previous schemes.</p>
<p><i>The (1%) administration fee has not been referred to in the policy and is unfair.</i></p>	<p>A reference to the administration fee has been added to the policy in Section 4. This percentage is permitted under the Local Government Act Sec.167(6b)</p>
<p><i>The interest rate payable on instalments are not referred to in the policy.</i></p>	<p>A reference to the interest rates has been added to the policy in Section 4.</p>
<p><i>Reimbursement should be made to property owners as a result of reduced maintenance costs (Future Nillumbik Committee Meeting)</i></p>	<p>Council incurs a maintenance cost for both sealed and unsealed roads. Maintenance on unsealed roads involves annual grading of the road, reactive works and cleaning of open table drains. Maintenance on sealed roads involves re-sheeting the road pavement (at the end of its life), street sweeping, reactive works and cleaning of drainage infrastructure. These maintenance costs are comparable and therefore Council will not benefit financially from sealing a road. Therefore a reimbursement to property owners is not considered appropriate.</p>
<p><i>There is no reference to financial hardship in the policy (Future Nillumbik Committee Meeting)</i></p>	<p>The policy has now been updated to include a reference to this.</p>

