‘The Esplanade (Sunderland Bay Road to Zephyr Court) Road and Drainage Upgrade’

Feedback summary

Property owners were asked to provide submissions and/or objections for the proposed road and drainage improvement project for The Esplanade (Sunderland Bay Road to Zephyr Court) in Sunderland Bay. Other stakeholders also had the opportunity to provide a submission.

A summary of the submissions and objections received from property owners has been provided below. There were no submissions from other stakeholders.

Summary:

- Eight (8) objections (33%)
- Ten (10) submissions of support (42%)
- Six (6) property owners did not provide a formal response (25%)

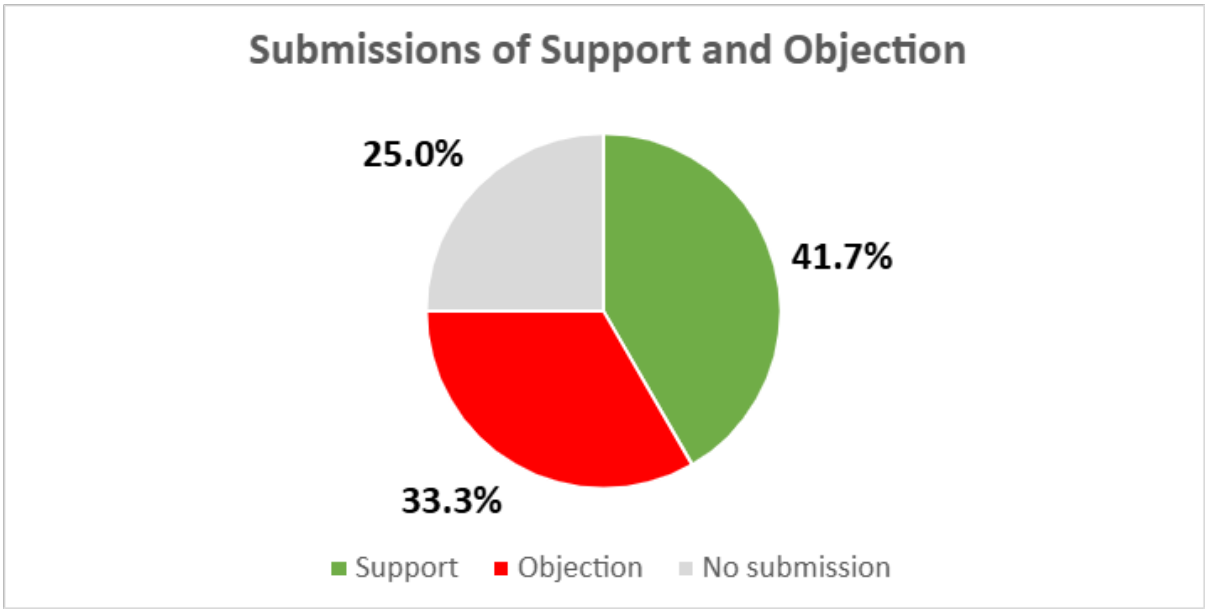


Figure 1: percentage breakdown of submissions of support and objection received from property owners

Responses to frequently raised feedback can be found on the following pages.

The upgrade will negatively impact the natural, semi-rural character of the area and local wildlife.

While some people like the area the way it is, property owners, through the submission of a petition, have recognised that there is the need for road and drainage improvements along this section of The Esplanade.

The existing amenity and feel of the area does not have to be adversely impacted because roads are upgraded. Improving roads and drainage, whilst maintaining the existing amenity of the area, can be achieved through good streetscape design. Additional landscaping will supplement and enhance the existing vegetation to help the upgrade compliment the current ambience of the area. Landscaping will be included through planting vegetation at intersections and traffic calming devices.

The concept design has been prepared balancing design requirements such as minimal cost, least impact to the environment, and retaining the natural characteristics of the area. The road will be upgraded with minimal increase in the width of the existing road carriageway to avoid impacts to existing vegetation and landscape. Traffic calming treatments can be tailored to provide additional space for vegetation to enhance street characteristics.
No additional street lighting will be installed, which will assist in protecting shearwater migration.

Consideration for protecting and mitigating impacts to local flora and fauna will be undertaken in accordance with due diligence reports. Additional targeted surveys will be conducted, as required, and the detailed design phase will allow for minor adjustments to avoid and minimise impacts on existing vegetation as a priority. A Cultural Heritage Management Plan is being undertaken to ensure appropriate measures are in place to protect cultural heritage within the works area. All legislative requirements will be followed.

In this context, the project is considered consistent with the area's high natural and cultural value, as it has been designed to avoid significant environmental and heritage impacts, and incorporates mitigation strategies to preserve the unique characteristics of the location.

The road should be sealed without curb and drainage/traffic calming is not needed.

The preferred concept design was determined through consultation with property owners along this section of The Esplanade. 17 property owners participated in the consultation which asked what they wanted from a road and drainage upgrade. A summary of the results of this consultation can be viewed on Council's Engage Bass Coast website here.

The Sunderland Bay Bluff Car Park should be sealed.

The sealing of the Sunderland Bay Bluff Car Park was not included in the current project design to prevent concern from property owners that they might be unfairly paying for this wider community benefit.

The sealing of this carpark will be considered for construction at the same time as this project, though will depend on availability of funding.

Powerlines and other power infrastructure should be put underground.

The decision to relocate transmission lines and power infrastructure underground is made by the provider, AusNet, and is outside the scope of the current project.

AusNet has advised that these street wide projects must be initiated, coordinated and funded by property owners. It is therefore at the discretion of property owners to reach out to AusNet to initiate this process. AusNet's contact details can be found at www.ausnetservices.com.au/contact.

Council is ignoring the previous community vote to reject upgrades.

A review of the Urban Road and Drainage Improvement (URDI) Policy was completed in 2024. In response to community consultation, one of the key outcomes of the review was to make community-initiated projects easier to elevate to Council for consideration.

The current project is in response to a community led petition requesting a road and drainage upgrade for this portion of The Esplanade. The petition received indicated that 83% of property owners were supportive of the project.

Council should fully fund the upgrade, not property owners.

Council do not have a legislated responsibility to upgrade or maintain a road to a higher standard than which it was constructed.

For roads that need new infrastructure, such as sealing, kerb and channel, or drainage, Council uses the Urban Roads and Drainage Improvement Policy (URDI). This policy is guided by the *Local Government Act 1989*, which allows the cost of such upgrades to be shared between property owners who directly benefit from the improvements. The Act also states that Council must financially contribute for the broader community benefit. For this project, Council is contributing 70% of the total project cost ($1,217,517).

Bass Coast Shire Council has significant demands for infrastructure improvements with over 100 kilometres of unmade roads, limited footpath networks and high demand for drainage

improvements throughout the municipality. Council does not have the capacity to meet the demand for these improvements or to fully fund these works from rates that are collected.

Council has not been transparent in the process.

All elements of the current project have been completed in line with the requirements of the *Local Government Act 1989 and 2020* and Council's Urban Roads and Drainage Improvement Policy 2024 (URDI).

The cost to property owners is a considerable financial burden.

The project has been costed based on the concept design chosen by property owners through consultation and has been prepared balancing these chosen design elements and minimal cost.

Council will provide 4 repayment options for property owners, including the repayment of charges over 10 years, and up to 20 years for individuals experiencing financial hardship. Repayment options are outlined in detail in the Notice Levying a Special Charge which will be sent to all property owners after declaration of the Scheme.

The inclusion of a Hardship Payment Plan will allow individuals experiencing financial hardship to work with Council to tailor a repayment plan to their individual needs. This is in line with Council's Hardship and Financial Hardship Policy.

If you believe that you may have difficulty paying the Special Charge or require further information regarding Council's Debt Management Policy please contact Council's Revenue Services Team on 1300 BCOAST (226 278) or (03) 5671 2211. Our officers are more than willing to confidentially discuss payment options with you, taking into account your current situation.

Dust reduction treatments should be applied while construction is being prepared.

Council acknowledges that the impacts of unsealed roads, particularly dust, can be an unpleasant experience for property owners and users.

Council's current approach to interim dust suppression treatment is to install traffic warning signage and reduce speed limits. Council has recently undertaken a review of speed limits in Sunderland Bay with a 30km/hr limit to be introduced for most streets in the estate, including this section of The Esplanade.

Council also periodically installs signage on streets of concern with permanent speed means dust warning signs installed along The Esplanade.

A review of temporary dust suppression measures found these treatments to be not cost effective with a greater incidence of defects and safety concerns for users. No temporary dust suppression seal is currently recommended for use by Council.

Council's preferred approach to fix these issues is to seal the road. The declaration of the Special Charge Scheme will allow Council to complete the proposed works to permanently resolve these issues.

The project is not consistent with the Bass Coast Planning Scheme.

As the responsible authority for the Bass Coast Planning Scheme under the *Planning and Environment Act 1987* (Act), Council must balance the various objectives, strategies and guidelines against one another.

Following the 2019 declaration of Bass Coast as a Distinctive Area and Landscape (DAL), the Governor-in-Council adopted the Bass Coast Statement of Planning Policy (SPP). Section 46AZK of the Act places an obligation on Council to not act inconsistently with the SPP.

Strategies 11.2 and 13.4 of the SPP directs Council to respect the coastal character of settlements when building new infrastructure. Separately, strategies 6.4, 11.1, 11.3 and 12.2 directs Council to ensure the adequate provision of infrastructure to meet the needs of the community. The directions must be balanced against each other in executing Council's work.

The character of a neighbourhood is contributed to by a number of attributes, which includes public realm infrastructure such as roads and drainage but also elements in the private realm including the siting, height and material of dwellings as well as the type, quantity and quality of vegetation. "Respecting" character does not mean preventing development. In this way, neighbourhood character is dynamic and "respecting" character is about managing change rather than preventing it.

The 2024 Neighbourhood Character Study identifies Sunderland Bay as belonging to the "Bush Coastal 1" Precinct which it states is characterised by its flat to sloping topography and mix of Bungalow and Modern era style dwellings and informal streetscapes. On public realm, the study identifies that road surfaces are a mix of sealed and unsealed and that drainage consists of a mix of concrete rollover kerbs and swale. In this way, the transition of these areas from informal to semi-formal urban environments is represented.

The 2021 Bass Coast Township Character Study prepared through the DALs program recommends that Sunderland Bay and the other "South Coast Estates" should maintain their informality through soft edges and verges.

When preparing Urban Road and Drainage Improvement (URDI) projects, residents are provided the opportunity to request additional treatments including additional landscaping and road seal options aligned with the 2021 Township Character Study and 2024

Neighbourhood Character Study, allowing affected landowners to influence the future character of the neighbourhood.

Phillip Island Nature Parks (PINP) is an important stakeholder and is consulted, where relevant, during Council's upgrade projects. While PINP plans provides strategic context on the management of the valuable environment, community and economy of Phillip Island, Council retains statutory responsibility for the management and delivery of its road infrastructure on behalf of the community.

The upgrade will increase traffic volumes and vehicle speeds.

Traffic studies have found that The Esplanade already experiences a higher traffic volume than smaller connecting roads in Sunderland Bay.

Council acknowledges that sealing this section of The Esplanade may lead to a shift in dynamic traffic patterns, leading to a reasonable increase in daily traffic use. This is an expected outcome of improving road infrastructure.

Council has factored a 100% increase in traffic usage when determining Council's financial contribution, which is considered generous.

The inclusion of zig-zag chicanes in the adopted design is intended to reduce vehicle speeds along The Esplanade. These features typically limit travel speeds to between 20–30 km/h, enhancing road user safety and improving the overall amenity for residents.

Costs should be apportioned on road frontage only.

Council considers a range of apportionment methods when calculating individual property contributions. The current apportionment method considers the following:

- Road related costs are determined by sharing 75% of costs equally amongst all property owners and the other 25% based on individual property boundary lengths.
- Drainage related costs are split based on property size.

This method reflects the view that the benefit derived from road upgrades is not solely based on frontage, but also on the overall use and potential use of the road by occupants of each property. Accordingly, each individual property, as listed per the title registry, are charged the equally shared component.

The current approach is the traditional and preferred method and has been reviewed by legal counsel as fair and reasonable.

An absence of a response should not be counted as support.

In line with the *Local Government Act 1989* (Section 163B(6)), in cases in which Council is contributing under one third of the total project costs, Council is unable to proceed with a declaration if 50% or more of property owners object to the proposed Scheme.

In this respect, it is the number of objections that determine whether Council can proceed with a proposed scheme. A lack of objection is not counted as support, however it also cannot be counted as an objection.

For the current project, The Esplanade (Sunderland Bay Road to Zephyr Court), Council is contributing greater than one third, so the above requirement does not apply. Nonetheless, less than 50% objections were received from property owners through the legislative process.

Council officers have presented submissions as 'Objection', 'Support' or 'No submission' to appropriately present responses received from property owners. The total number of objections received was 8 (33%). 10 submissions of support were received (42%), and 6 property owners did not provide a response (25%).

Project approach is fragmented.

The URDI Policy separates the Shire's unmade road network into 137 individual projects, instead of the previously adopted estate by estate approach.

Addressing these upgrades on a smaller scale was introduced based on community feedback during the review of the URDI Policy in 2024 to allow projects to be considered where most needed and wanted, while allowing other areas to remain unmade.

Lower cost and lower impact solutions should be explored instead.

To address concerns that result from unmade roads, such as dust and flooding, roads are generally upgraded with an asphalt seal and underground drainage is installed. This is Council's preferred approach to ensure roads meet service standards and community expectations.

The road and drainage improvement project along this section of The Esplanade is a result of a community petition requesting an upgrade through the URDI process. The adopted concept design, which includes road sealing, underground drainage and traffic calming, has been determined through community consultation with property owners. Through this same process, other streets in the area, and around Bass Coast Shire, may elect to undertake upgrades that differ to the current project.

The current approach is considered the most cost effective and long-term method to provide appropriate infrastructure that meets community wants and needs.