STRATEGY AND POLICY REVIEW COMMITTEE

AGENDA

7 MARCH 2005
Welcome

Welcome to this Strategy and Policy Review Committee Meeting of the Port Phillip City Council.

Committee Meetings are a useful way for Councillors to be presented with, and consider, a large amount of information, from which a recommendation to the full Council can be made. They also allow the public to be involved in the process and for you to work with Council towards making Port Phillip a great place to live and work.

About this meeting

There are a few things to know about tonight’s meeting. The first page of tonight’s Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each item has a report written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. A recommendation becomes a motion once it is voted upon. The Committee will consider the report and either accept the recommendation or make amendments to it.

As this Committee does not have delegated authority, all decisions of the Committee are not final and will be presented to the next Ordinary Council meeting for further refinement and adoption.

A recommendation is carried if it receives majority support of the Councillors in attendance at the Committee meeting.

Speaking at this meeting

If you would like to address the Committee on any of the items discussed tonight, please fill in the blue ‘Do You Wish to Speak’ form located outside the chamber and give it to the Administrative Officer or any Council officer present.

When your item is being discussed the Chairperson will call your name and ask you to address the Committee. You will have 3 minutes to speak. The Committee welcomes all contributions, however if somebody has already raised an issue you agree with, there is no need to repeat it. Rest assured we take everything on board!

It may seem intimidating to address the Committee but we assure you, you’re in a very relaxed environment! By attending this meeting you are playing a very important part in the democratic process. We hope it proves to be a rewarding experience.
To Councillors

Notice is hereby given that a meeting of the Strategy and Policy Review Committee of the Port Phillip City Council will be held in the Council Chamber, St Kilda Town Hall on Monday, 7 March 2005 commencing at 6.00pm.

AGENDA

1. APOLOGIES

2. CONFIDENTIAL MATTERS
   2.1 Policy and Planning
   2.2 Governance and Compliance

3. DECLARATIONS OF PECUNIARY INTEREST

4. CONFIRMATION OF MINUTES

5. QUESTION TIME (INCLUDING COUNCILLOR QUESTIONS)

6. PRESENTATION OF REPORTS
   6.1 Policy and Planning
   6.2 Governance and Compliance

7. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES

David Spokes
Chief Executive Officer
2 MARCH 2005
2. CONFIDENTIAL ITEMS - FOR CONSIDERATION BY COUNCILLORS AND SENIOR OFFICERS

2.1 POLICY AND PLANNING

Nil.

2.2 GOVERNANCE AND COMPLIANCE

Nil.

6. PRESENTATION OF REPORTS

6.1 POLICY AND PLANNING

A1 Progress Report: Elwood Family And Children’s Services Hub Project

Responsible Executive Director: Sally Calder, Executive Director Community & Cultural Vitality

Purpose: To Provide A Progress Report To Council Regarding The Elwood Family And Children’s Services Hub Project.


Responsible Executive Director: Geoff Oultan, Executive Director City Strategy


A3 Cable Relocation: St Vincent Place, South Melbourne

**Responsible Executive Director:** Geoff Oulton, Executive Director City Development

**Purpose:** To Update Council on a revised proposal to relocate overhead infrastructure in the south-west quadrant of St Vincent Place (South Melbourne) and to implement a special charge to cover part of the total cost.

**Recommendation:** That Council notes the renewed interest of affected property owners and the identified costs and sources of income, including the required financial contribution by Council, and agrees to proceed to introduce a special charge to enable the works to proceed.

A4 Catani Gardens Stormwater Capture And Re-Use Project

**Responsible Executive Director:** Geoff Oulton, Executive Director City Development

**Purpose:** This project aims to capture stormwater from the Fitzroy Street drain in St Kilda, treat it to best practice and use it to irrigate approximately 50,000m³ of park area in Catani Gardens. Funding has been sought from DSE for the project.

**Recommendation:** The project has been shortlisted by DSE for funding approval. The project requires a pre-commitment of $216,250 from Council for capital works over the next two financial years, $160,000 in the year 05/06.

A5 Official Delegation To Expo 2005, Aichi

**Responsible Executive Director:** David Graham, Executive Director Corporate Management

**Purpose:** To confirm the composition of the official delegation travelling to Japan in June 2005 to participate in Victoria Week activities at Expo 2005, Aichi, and to follow up on opportunities created during the April 2004 official delegation visit.

**Recommendation:** That the Mayor, CEO and Sister Cities Coordinator be appointed to the official delegation in June 2005, to participate in Victoria Week activities at Expo 2005, Aichi, and to follow up on opportunities created during the April 2004 official delegation visit.

6.2 Governance and Compliance

A6 Code Of Conduct

**Responsible Executive Director:** David Graham, Executive Director Corporate Management

**Purpose:** Council to review the councillor code of conduct developed in September 2004 by the previous Council.

**Recommendation:** The Strategy and Policy Review Committee recommend that Council adopt the amended councillor code of conduct as attached.
6. PRESENTATION OF REPORTS (CONT)

A7  Review Of The November 2004 Council Election

Responsible Executive Director: David Graham, Executive Director Corporate Management


A8  City Of Port Phillip Audit Committee Annual Report To Council 2004

Responsible Executive Director: David Graham, Executive Director Corporate Management

Purpose: To Present To Council The 2004 Annual Report Of The City Of Port Phillip Audit Committee And Advise Council Of The Activities Undertaken At The December 2004 Meeting Of The Audit Committee.


A9  Neighbourhood Forums

Responsible Executive Director: David Graham, Executive Director Corporate Management

Purpose: To Confirm The New Cycle For Neighbourhood Forums In The City Of Port Phillip.

Recommendation: That The Strategy And Policy Review Committee Recommend To Council That: The Neighbourhood Forum Program Be Conducted Monthly (Normally On The Monday Of The Third Week Of The Of The Council Meeting Cycle) For The Period May To October 2005; The Forums Commence In Port Melbourne, And Subsequent Forums Be Conducted In Elwood/Ripponlea, St Kilda, East St Kilda, Middle Park/Albert Park And South Melbourne; And Each Forum Focus On A Combination Of Local And Citywide Strategic Issues.

A10  Sustainable Value Service Review Environmental Programs

Responsible Executive Director: David Yeouart, Executive Director Urban Services

Purpose: To Present To Council The Findings Of The Sustainable Value Service Review Panel's Key Findings And Recommendations And To Adopt The Gmt Endorsed Implementation Plan.

A11 Amendment To Discontinuance And Sale Of Roads Policy

**Responsible Executive Director:** David Yeouart, Executive Director, Urban Services

**Purpose:** To Amend The Discontinuance And Sale Of Roads Policy In Clear Cases Of Adverse Possession.

**Recommendation:** Where Satisfactory Evidence Is Provided As To The Length Of Period Of Adverse Possession For Part Or Whole Of The Land, Council May Discount The Market Value.

A12 Proposed Discontinuance Of A Section Of Right Of Way No.514 At The Rear Of 166 Napier St, South Melbourne

**Responsible Executive Director:** David Yeouart, Executive Director, Urban Services

**Purpose:** Council Has Received An Application To Discontinue The Right Of Way At The Rear Of 166 Napier St, South Melbourne. This Report Commences The Statutory Process For Discontinuance And Sale.

**Recommendation:** Council Commences Statutory Procedures To Discontinue The Right Of Way At The Rear Of 166 Napier St, South Melbourne, Shown Hatched On The Attached Plan In Accordance With Clause 3 Of Schedule 10, Of The Local Government Act 1989.

A13 Proposed Discontinuance Of A Section Of Right Of Way At The Rear Of 6 Robe St, St Kilda

**Responsible Executive Director:** David Yeouart, Executive Director, Urban Services

**Purpose:** Council Has Received An Application To Discontinue A Section Of Right Of Way At The Rear Of 6 Robe St, St Kilda. This Report Commences The Statutory Procedure For Discontinuance And Sale.

**Recommendation:** Council Commences Statutory Procedures To Discontinue The Section Of Right Of Way At The Rear Of 6 Robe St, St Kilda, Shown Hatched On The Attached Plan In Accordance With Clause 3 Of Schedule 10, Of The Local Government Act 1989.

A14 Proposed Discontinuance Of Right Of Way At The Rear Of 145 Graham St And Adjacent To 147 Graham St, Port Melbourne

**Responsible Executive Director:** David Yeouart, Executive Director, Urban Services

**Purpose:** Council Has Received An Application To Discontinue A Right Of Way At The Rear Of 145 Graham St And Adjacent To 147 Graham St, Port Melbourne. This Report Commences The Statutory Process For Discontinuance And Sale.

A15 Proposed Discontinuance Of A Section Of Right Of Way No. 266 At The Rear Of 37 And 51-59 Thistlethwaite St, South Melbourne

Responsible Executive Director: David Yeouart, Executive Director, Urban Services

Purpose: Council Has Received An Application To Discontinue A Section Of Right Of Way At The Rear Of 37 And 51-59 Thistlethwaite St, Port Melbourne. This Report Commences The Statutory Process For Discontinuance And Sale.

1. EXECUTIVE SUMMARY

1.1. This report provides an update on progress to achieve the Elwood family and children’s services hub project and recommends Council take the next steps to achieve a multi-use early childhood services facility on what is currently State Government land used by Elwood Primary.

1.2. Since the November (2004) meeting of Council where Council agreed to commence negotiations with the State Government to achieve a land swap, Council has received responses from both the Department of Sustainability and Environment and the Department of Education and Training indicating that the proposal could be achieved contingent on resolution of several aspects of the proposal.

1.3. A meeting in December with Council representatives and representatives of Elwood Primary and Elwood Secondary College indicated strong support for the project to proceed.

1.4. Acknowledging the school council support indicated above, the school council had intended to consult with the school community late last year. This did not occur and is proposed for early March in association with the school’s bi-monthly market.

1.5. This report proposes that Council commence the statutory process of road closure.

2. KEY ISSUES

2.1. At the July (2004) meeting of Council, Council resolved to develop a family and children’s services hub in Elwood that includes 75 – 90 long day care and kindergarten places, in order to retain and expand long day care and kindergarten places within the municipality, subject to satisfactory negotiations regarding the preferred site.
2.2. At the November (2004) meeting, Council resolved to support the proposal to close the section of Shelley St. from Mitford Street to the canal to facilitate the establishment of a multi-use early childhood services facility, via a land swap with Elwood Primary School land. The closure would be subject to a satisfactory outcome with the school and the State Government and the statutory process of road closure. Timing of the road closure would be linked with the construction of the new family and children’s services hub. This report proposes commencing the statutory process of road closure.

2.3. Further Council resolved to commence negotiations with the State Government to achieve the land swap. The land swap would include the closed sections of Mitford Street (between Shelley Street and Poets Grove) and Shelley Street (between Mitford Street and the canal) in exchange for land to develop a family and children’s services hub at the easterly extreme of the Elwood Primary school grounds with frontage to Poets Grove. The report provides feedback on the progress to date.

2.4. Council has also endorsed the broad directions of the school’s proposal, namely fencing of the school grounds and limiting community access to the school grounds during school hours. These conditions relate to improved use by the school of School Park and upgrading of the open space for play and active sporting activities. The school grounds would be available to the school during school hours and to the wider community outside school hours. The opportunity to seek funding for the integration of the land into the school grounds, fencing and upgrading the ground surface is available through the Department of Education and Training’s Community Facilities Fund. Applications for funding are due in early April. Council staff would work with the primary school to develop the proposal to be submitted by the primary school with Council support.

2.5. Following Council’s resolution in November to advocate on behalf of St Bede’s Early Learning Centre (ELC) to the Anglican Church in order to seek an extension to remain at their current site beyond December 2005, Council representatives met with representatives of the Anglican Archdiocese of Melbourne. The meeting did not achieve the extension requested and Council staff have been working with representatives of St Bede’s ELC to achieve the outcome of retaining sessional kindergarten places in Elwood.

2.6. The November report proposed that a further report be presented to Council in March 2005 following the outcome of Elwood Primary’s consultation process and the state government regarding the land swap proposal.

3. CONTEXT

3.1. The background to this issue was detailed in the report to Council in July, 2004.

3.2. In summary a loss of early childhood services will result from the closure of Scott Street Children’s Centre (the licence between Council and the Presbyterian Church expires June 2006) and St Bede’s Early Learning Centre (by December 2005 if an extension to the end 2006 cannot be negotiated). If alternatives are not found there will be a loss of 26 kindergarten places offering programs to ninety children, 35 long day care (LDC) offering places to 65 families in 2004 and no additional capacity to respond to unmet demand.
3.3. A feasibility study recommended Council pursue the option of negotiating a site at Elwood Primary. This option was seen to have significant community benefits, significant benefits to the two schools, Elwood Primary and Elwood Secondary College, and a Council and community benefit in retaining and expanding locally based childcare and preschool places.

3.4. Accessing a site was premised on a land swap between Council and the State Government. This could be achieved through Council’s decision to enable the two roads (Mitford Street from Poets Grove to Shelley Street and Shelley Street from Mitford Street to the canal) to convert to crown land designated for educational purposes. The land required for the family and children’s services hub project would convert to crown land designated for municipal or other relevant purpose.

3.5. Following Council’s resolutions in November to commence discussions with the State Government (Department of Education and Training and Department of Sustainability and Environment), the Hon. John Thwaites convened a meeting with senior officers of Council and the two government departments in order to facilitate cross-departmental discussions. Subsequent to that meeting, correspondence has been received from the Regional Director of the Department of Education and Training expressing support for Council’s proposal. The Department of Sustainability have indicated Ministerial or departmental support from the Department of Education as a condition followed by resolution of issues relating to clean-up post the road closure, and future management and responsibility for the Shelley Street bridge. Further discussions are required with state government officers to work through these issues, but there would appear to be no major impediments to the project proposal from either the school or the relevant State government departments.

3.6. Council is now in a position to proceed with the formal process of road closure and/or discontinuation of the road. The Local Government Act 1989, Section 207 (Powers of Councils over traffic) Schedule 11 allows Council to permanently close any road by barrier or other obstructions after considering a report from VicRoads on the proposed closure. The closure is subject to any direction of the Minister of Local Government. Typical administrative procedures for the implementation of permanent road closures are as follows:
- Obtain report from VicRoads on the proposal.
- Serve notice of the proposal on owners and occupiers of abutting properties. Section 223 of the Local Government Act contains the procedures for hearing submissions.
  - Publish notice of the proposal in an appropriate newspaper.
  - Consider submissions from the public.
  - Adopt/reject the proposal by order of Council with or without modification.
- Publish notice of adoption in an appropriate newspaper and send notice of adoption to all objectors. The Local Government Act does not require a notice in the Government Gazette for a road closure carried out under the Schedule 11. However, if the road is to be discontinued, this can be done under the Schedule 10 of the Local Government Act by a notice in the Government Gazette.
3.7. Since the November Council meeting and the subsequent meeting with the Anglican Church to seek an extension, Council officers have met with representatives of St Bede’s ELC on several occasions to discuss the hub proposal and to discuss the options they have been considering. The steering committee formed to develop and pursue options has identified three options the steering committee is investigating:

- Option 1. Negotiation with purchaser of St Bede’s post the auction scheduled for March 10;
- Option 2. City of Port Phillip hub project;
- Option 3. Relocation of St Bede’s to St Columba’s

The steering committee, whilst exploring all three options, is working actively to achieve a relocation to St Columba’s Primary with preliminary architectural drawings and negotiations well underway with the school and the Parish. Funding for this option is a major consideration and the steering committee members have already had discussions with the state government regarding possible government funding and are likely to pursue all possible funding sources, including Council and their local community, to achieve this option.

4. OPTIONS

4.1. This report is a progress report and no further options are presented.

5. RECOMMENDED OPTION

5.1. This report is a progress report and no further options are presented.

6. ENGAGEMENT

6.1. Internal

- Since the report to Council in November, Bruce Phillips, Manager City Strategy has advised around land-use planning matters, Jim Holdsworth, Manager Urban Design and architecture has advised around urban design issues; Stefan Mitrik, Senior Traffic Engineer, has continued to provide advice regarding implications for traffic management and procedures for road closure. Robert Palmer, Manager Infrastructure and Environment, has continued to provide advice regarding crown land, infrastructure development and design.

6.2. External

- A presentation and progress report was made to the Elwood Family & Children’s Services hub project reference group in early December. From that meeting a steering group of interested service providers was developed to guide the next stages of the project.
• Jo Smale, Co-ordinator Family and Children’s Services has commenced the process of identifying the range of related services to be located at the hub, the service model particularly for the core services of long day care and kindergarten and the management model for these services and the facility generally. This work is a collaborative process with the steering group referred to above. Stakeholders who identified an interest in participating in this process include Scott Street Children’s Centre, St Bede’s ELC, Elwood Primary and St Columba’s Primary. Representatives of the Elwood Playgoup Association have also been included in this group. This work will also feed in to the architectural design brief.

• A meeting with Council representatives and representatives from Elwood Primary and Elwood Secondary College met in December and supported the directions the project is taking.

• Council officers were invited and attended an information night held in mid February to provide information to parents with children currently attending St Bede’s ELC or on the waiting list for 2006. Council staff presented and responded to questions on the hub project. The steering committee indicated that given their aim of retaining an independent sessional kindergarten for families in Elwood they were supporting relocation of St Bede’s ELC to St Columba’s Primary and participating in the hub steering committee to ensure adequate sessional kindergarten places for families in Elwood and to offer choice to families.

7. IMPLEMENTATION

7.1. Further discussions with Elwood Primary have identified the school’s requirements. These have been discussed in the context of Council’s objectives for the project and through identifying those requirements that contribute to the broader community benefit and those that are school requirements, taking into account decisions Council has already made in respect of this project. The school has identified fencing, landscaping/removal of the road surface, car parking and drop off bays to replace parking lost by the closure of Shelley Street, new toilets on the existing school grounds and an all weather playing surface on the remediated land (Shelley Street).
In respect of their requirements the following is proposed;

<table>
<thead>
<tr>
<th>Fencing</th>
<th>Council in the November report considered and supported (low level) fencing of School Park to integrate into the school grounds. This would form part of the CFF application.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping/removal of the road surface</td>
<td>Council in the November report considered removal of the road, the bitumen and underlying gravel to integrate the land into the open space associated with School Park. This would form part of the CFF application.</td>
</tr>
<tr>
<td>Car parking &amp; drop off bays</td>
<td>Further advice from Council’s sustainable transport unit is required regarding design options for addressing the loss of parking in Shelley street and alternative drop – off arrangements.</td>
</tr>
<tr>
<td>New toilets on the existing school grounds</td>
<td>The school is indicating that with the re-orientation of the school’s outdoor play areas, particularly School Park that new toilets are required for students. This proposal is seen as particular to the school’s needs and not of broader community benefit.</td>
</tr>
<tr>
<td>An all weather playing surface on the remediated land (Shelley Street)</td>
<td>The school has identified loss of playground space where the new family &amp; children’s services hub is to be relocated and the need to replace this with an all weather surface. Upgrading of the oval and the all weather surface area would have broad community benefit and could form part of the CFF application.</td>
</tr>
</tbody>
</table>

This work will form the basis of the school’s submission for CFF funding by the beginning of April with Council support.

7.2. Concurrently council staff need to work through the necessary processes required by DE&T to achieve the land swap.
7.3. Negotiations with DSE need to resolve the issues raised by DSE in order to achieve the proposed re-reservation. DSE have indicated Ministerial or departmental support from the Department of Education and Training as a condition, followed by resolution of issues relating to clean – up post the road closure, and future management and responsibility for the Shelley Street bridge. If these cannot be resolved by April, current timelines may be compromised and Council may need to seek political representation to ensure the project is achieved within the proposed timeframe (opening at the commencement of 2007).

7.4. The statutory process of road closure needs to commence to achieve the project in the timeframe proposed.

7.5. The process to develop the range of services to be included at the hub and the service and management model for long day care and kindergarten has commenced and will inform the design of the facility. The DHS Children First capital funding round closes in June and officers are working to this deadline. This will require clarity around the services to be provided and detailed design drawings.

8. COMMUNICATION

8.1. Significant community, school community and Council/open space outcomes could be achieved if the project continues to be supported by the key partners to the project.

8.2. Council is responding to the particular needs of families in Elwood through the development of this major capital project that has the potential to deliver enhanced services for families, particularly long day care, in a co-located service hub.

8.3. Council is commencing the process to close the roads that intersect Elwood Primary and will consult with affected residents through this process.
9. RECOMMENDATION

9.1. That Council commence the statutory road closure process as described in the Local Government Act 1989, Section 207 (Powers of Councils over traffic) Schedule 11 to close Shelley Street from Mitford Street to the canal.

9.2. That Council pursuant to Section 223 of the Local Government Act 1989, gives public notice that submissions will be received on this proposal.

9.3. That Council will consider all submissions received at the Strategy and Policy Review Committee Meeting to be held on 7 May 2005 at 6.00pm in the Council Chamber, St Kilda Town Hall.

9.4. That Council continue to negotiate with the Department of Education and Training and Department of Sustainability and Environment to achieve the Elwood family and children’s services hub.

9.5. That if negotiations stall, a supplementary report be presented to Council prior to Council adopting the recommendation to commence the statutory road closure process.
1. **KEY ISSUES**


1.2. To consider feedback from the consultation period.

1.3. To adopt the revised Cycling Strategy 2005 – 2010.

2. **CONTEXT**

2.1. Council considered a report at its November 2004 cycle of meetings, titled *Cycling Strategy 2005 – 2010* detailing the draft strategy. At that time Council resolved

   ‘1. That the attached draft Cycling Strategy 2005 – 2010 be received and noted.

   2. That Council conduct the following consultation process seeking community feedback on the strategy:-
a) Via the web site, with e-mail links for specific feedback and further dialogue.

b) Via each of the Town Halls and Library – Prepaid feedback sheets.

c) Council’s Divercity Publication and Divercity Weekly local paper columns.

d) Specific responses including advice for priority routes for second generation paths be sought from Port Phillip Bicycle User Group and Bicycle Victoria.

e) That feedback be sought between December 2004 and end January 2005.

f) That consultation for both Walking and Cycling Strategy 2005 – 2010 be conducted together, to improve opportunities for holistic and integrated feedback.


2.2. The report considers and incorporates as appropriate, the feedback from the consultation process and presents a final draft Cycling Strategy 2005 – 2010 for consideration.

2.3. The Walking Strategy 2005 – 2010 will be presented to the April cycle of Council meetings.

3. PUBLIC CONSULTATION

3.1. The draft Cycling Strategy 2005 – 2010 was made available to the public in December 2004 with comments being considered through to end February 2005. Any additional comments received can be considered and incorporated within this cycle of Council meetings.

3.2. Following is a list of the mediums used to advise and encourage public feedback to the strategy

- Port Phillip online
- St Kilda / South Melbourne and Port Melbourne Town Halls
- Albert Park library
- St Kilda Cycles, Penny Farthing Cycles, Bike Now and Terry Hammond Cycles – bike shops
- EHT (February) – via weekly Divercity column

3.3. An enlarged network map and A4 summary sheets were provided as part of the display at the town halls, library and bike shop locations.
3.4. Additional exposure to the cycling community was also achieved through communications associated with the Clarendon Street Tram Priority Program project. These communications included encouragement to review and comment on the draft cycling strategy.

3.5. Direct responses were also sought from Bicycle Victoria and the Port Phillip Bicycle Users Group.

3.6. A total of nine (9) responses were received:

1. Bicycle Victoria – submission (attachment 3)
2. Port Phillip Bicycle Users Group – submission
3. Glen Eira City Council, Matthew Harridge (traffic engineer) – letter
4. Jane McMahon – letter
5. Stephen Harvey – letter
6. Adrian Jackson – phone call
7. Cr Bolitho – site visit
8. @Leisure Consultants – phone call
9. Bike Now - email

3.7. A summary of the issues by each of the respondents is as follows:

1. **Bicycle Victoria**
   
   Provided a detailed response to a variety of issues. See Attachments 2, 3 and 4.

2. **Port Phillip Bicycle Users Group**
   
   Submission One: Direct response to cycling strategy in the following areas
   
   • Strategic local routes
   • Clarendon Street Tram Priority Program
   • Upgrades needed on existing facilities
   • Proposed bike lanes missing from the strategy
   • Other issues and innovative solutions
Submission Two: Port Melbourne Waterfront Revitalisation suggestions related to:

- Beach Street
- Waterfront Place
- Foreshore Promenade

3. **Glen Eira City Council, Matthew Harridge (Traffic Engineer)**

Identifies areas where Glen Eira’s strategy overlaps with neighboring municipalities. Port Phillip is mentioned in their strategy on Glen Eira Rd. where bicycle lanterns have been proposed.

4. **Jane McMahon**

Offers two comments:

- Direction of grates and road repairs need to be investigated.
- Obtain views from training cyclist groups.

5. **Stephen Harvey**

Supports both the cycling and walking strategy and offers the National Heart foundation as an organisation that may have a crossover with the work we’re doing.

6. **Adrian Jackson**

Phoned to suggest that there is no need for a strategy and marking routes are in effect more dangerous for cyclists.

7. **Cr. Bolitho**

Suggested route alterations through Beacon Vista and connection to the on road lane along Howe Parade. Also proposed views for Beacon Cove development and Sandridge Trail path.

8. **@Leisure Consultants**

Suggested a number of other locations where circular training cycle paths could be incorporated – these included Garden City Reserve, Peanut Reserve and Elsternwick Park.

9. **Bike Now**

Happy with the strategy. Suggestion to provide a bike lane on Albert Park lake gate near Albert Rd end to allow cyclists to do laps entirely on road pavement surface.

3.8. Attachment 2 provides a detailed comment summary and Council response to each of the issues identified from the nine submissions.
3.9. Attachment 1 provides the final draft Cycling Strategy 2005 – 2010 incorporating the public comments as required.

4. OPTIONS

4.1. Council could decide to either:

4.1.1. Adopt Cycling Strategy 2005 – 2010 as outlined in attachment 1
4.1.2. Refine the strategy in the attachment, and then adopt
4.1.3. Defer for further consideration.

5. POLICY IMPLICATIONS

5.1. The draft Cycling Strategy 2005 – 2010 is consistent with the principles and directions of the Sustainable Transport Framework adopted by Council in November 2003 (attachment 5) and the metropolitan and regional strategic responses of Melbourne 2030 and Inner Melbourne Action Plan (IMAP) promoting action on regional bike movements.


6. SUSTAINABILITY IMPLICATIONS

6.1. Social

Like walking, cycling exercises the body and stimulates the mind and is conducted at a ‘human level’ allowing us to connect to other humans. Cycling (and associated public transport use) encourage more people to be active and interactive on the street by reducing the barriers created by higher vehicle speeds and volumes.

6.2. Economic

Economic efficiency is improved by shifting travel to move efficient modes, whilst increasing the potential for greater use of the local economy. More people cycling and accepting cycling as a legitimate transport mode (as distinct from heavier reliance on cars) can also assist in the provision of affordable housing (ie less expensive dwelling units).

6.3. Environmental

The environment benefits of reducing reliance on the private motor vehicle and subsequent higher dependence on walking, cycling and public transport are well documented, notably the greenhouse effect, and local concerns, especially air quality, noise and speeds.
6.4. Cultural

Retention of ‘sense of place’ is enhanced by greater levels of cycling. Cycling stimulates the mind and is conducted at a pace that assists people to ‘sense place’ resource implications.

7. RESOURCE IMPLICATIONS

7.1. This strategy places the various elements of Council’s response to cycling in one document to ensure a coordinated and universal response. A cross organizational understanding of direction, policy and values of cycling will assist in identifying synergies and develop leverage over existing programs and relationships.

7.2. Resources to implement this strategy are proposed to be within existing expenditure orders. There are a variety of capital, maintenance, education and promotional / awareness programs (some specifically dedicated to cycling and others which can assist achieve cycling objectives) currently available which will allow the effective and efficient implementation of this policy. Priorities and programs may however change to reflect these needs and will be embodied in the annual implementation plan.

7.3. An annual implementation plan is proposed to be developed within existing operational and capital budgets.

8. INTERNAL CONSULTATION

8.1. Specific and general comments have been sought from a number of staff within the City Strategy branch and City Development division.

9. EXTERNAL CONSULTATION

9.1. As detailed in section 3 of this report.

10. IMPLEMENTATION

10.1. Upon adoption of the Cycling Strategy 2005 – 2010 a detailed annual implementation plan will be prepared based on opportunities, stakeholder feedback, budgetary factors and labour resourcing.

10.2. Particular priorities for the coming 12 months include:-

- Concept development for the provision of cycle lanes on both carriageways of the Beach Road linking Elwood to Port Melbourne.

- Implementation of bike lanes for the first stage on the Beach Road – Phillipson Street to Cowderoy Street, outbound carriageway. Design is complete, awaiting final approval from VicRoads. Implementation expected in May 2005.

- Associated with the St Kilda Edge Jacka Boulevard / Fitzroy Street pedestrian improvement project, progress the ‘second generation path’ (Beaconsfield Parade style) design and approval for the north side of Fitzroy Street linking the foreshore with Albert Park.
11. CONCLUSION

11.1. Cycling Strategy 2005 – 2010 has been prepared and presented taking into account the strategic policy goals and direction associated with the various plans and strategies articulating sustainability within the City of Port Phillip organisation. It is also a key response to the Sustainable Transport Framework.

11.2. A comprehensive action plan (section 8 & Appendix D) has been developed to align with this direction, and ensure the City of Port Phillip continue to maintain a solid foundation to further the cyclist cause and entrench bicycles as legitimate forms of transport, as well as great ways to recreate and exercise.

11.3. The development of an annual implementation plan will be developed from the suite of initiatives / options outlined in the action plan, taking account of the relevant priorities for cycling infrastructure / promotion and education, while ensuring the organisation / plan stays suitably flexible to respond to opportunities, changing stakeholder value and resourcing factors.

11.4. Public comment for Cycling Strategy 2005 – 2010 has been sought, considered and incorporated into the final document and associated implementation processes.

11.5. It is now appropriate that Council consider adoption of Cycling Strategy 2005 – 2010.

12. COMMUNICATION

Key communication message would include:-


12.2. The strategy is a comprehensive document detailing 50 initiatives covering cycling infrastructure, promotion and education.

12.3. The strategy will direct Council’s investment in cycling initiatives for the next five years.

12.4. Council is committed to installing a dedicated on road cycling facility to service commuter and training cyclists needs for the entire length of the Beach Road linking Brighton to Port Melbourne.
13. **RECOMMENDATION**

13.1. That the final draft Cycling Strategy 2005 – 2010 (as attached) be received and noted.

13.2. That Council adopt Cycling Strategy 2005 – 2010 as providing the strategic and operational direction for management of cycling within the City of Port Phillip over the next five years.

13.3. That an annual implementation plan be prepared articulating the initiatives to be pursued by Council.

13.4. That Council officers provide a cycling implementation status report as part of Council’s annual service planning and budget process.

13.5. That the Executive Director, City Development be authorised to organise final editing and consequential refinement to the Cycling Strategy and then arrange for its publication and distribution.
1. KEY ISSUES

1.1. Decision regarding the striking of a Special Charge to assist in the implementation of a cable relocation project in the south-west quadrant of St Vincent Place, South Melbourne. This follows representations by several residents of the area and an indication that there is no significant opposition by any of the 25 affected property owners. Subject to Council decision, the requirements of the Local Government Act must be followed, which include provision for objection and appeal. Funding sources are the same as used for similar projects, with a Council contribution from an earmarked fund (the ‘Optus fund’).

2. CONTEXT

2.1. Over recent years, Council has pursued several projects to relocate overhead infrastructure (electricity cables) either underground or in less obtrusive locations. These projects derive from a Council decision in 1998 to use funds received from Optus Communications as ‘payment’ for the installation of their cables onto power poles throughout the municipality. A total fund of $298,000 was received.

2.2. Projects that have been implemented include Ormond Road shopping centre, parts of Marine Parade and the Fitzroy St/Canterbury Rd/Grey St intersection. Some fifteen sites have been investigated at the request of either property owners or Council over the life of the program but, due to the high costs, only those above have proceeded to implementation.

2.3. Payment for such projects has been spread between Council (using the ‘Optus fund’), property owners, the relevant power company and the State’s Powerline Relocation Committee.
2.4. St Vincent Place, South Melbourne, was one site that was identified as a significant area that would benefit from the relocation of cables due to its heritage significance at State level. The process to relocate cables in that area began in 2001, with costs being determined, owners notified and tenders called. The required statutory process under the Local Government Act was followed, and in December 2002 Council declared a Special Charge to obtain funds from each property owner based on the Net Annual Value of their property and the extent of works required to be carried out at their property.

2.5. Due to significantly increased prices and the complications of meeting the particular requirements of Heritage Victoria, a report to Council in June 2004 reluctantly recommended abandonment of the project. While Council adopted this recommendation, representations from property owners in the south-west quadrant of St Vincent Place caused the matter to be reactivated for that part of the project area.

2.6. Over recent months the following has occurred:

- Implementation costs have been obtained, by competitive quote, for undergrounding of street cables, new light poles and new overhead connections from each new pole to every property,

- Meetings with representatives of the property owners, to describe the proposal, including one on 31 January, attended by 12 owners and the Ward Councillor,

- The extent of financial contribution from CitiPower and the Powerline Relocation Committee have been sought, and the consequent contributions by Council and property owners have been calculated,

- A letter has been received from Mr J Laurie, on behalf of the affected property owners, indicating the high degree of owner support for the scheme and the willingness of owners to pay the estimated average cost per property.

2.7 The cost to property owners is made up of two components:

- A share of the ‘street works’, proportioned according to the Net Annual Value of each property, and

- Any costs associated with new overhead property connections and upgrades to meter boards and associated electrical connections at each property.
2.8 The table below describes the project costs and sources of funds to cover the project costs.

<table>
<thead>
<tr>
<th>Project Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Street Works</td>
<td></td>
</tr>
<tr>
<td>Construction Costs</td>
<td>$190,000</td>
</tr>
<tr>
<td>CitiPower Costs</td>
<td>$24,000</td>
</tr>
<tr>
<td>Project Management</td>
<td>$8,000</td>
</tr>
<tr>
<td>2. Property Connections</td>
<td>$50,000 (Approx @ 1/3/05)</td>
</tr>
<tr>
<td>3. Total Project Cost</td>
<td>$272,000 (Approx)</td>
</tr>
<tr>
<td>CitiPower (8% of const’n cost ($190,000) and of works to private properties ($50,000))</td>
<td>$19,200</td>
</tr>
</tbody>
</table>

Funding Of Street Works

| Powerline Relocation C’tee (35% of const’n of $190,000) | $66,500 |
| Port Phillip Council | $27,000 (made up of 10% x190K+$8K (1)) |
| Property Owners | $109,300 |
| Total | $222,000 |

2.9 The ‘Optus Fund’ amounted to $298,000 and was earmarked by Council for streetscape beautification by undergrounding electricity cables. The total fund has been drawn down progressively to undertake the projects described above, as well as for technical and consultancy services related to these projects and to investigations into other projects that did not proceed. The fund’s balance is currently about $25,000. As can be seen from the above Table, it is envisaged that there be a contribution from the ‘Optus fund’ of about $27,000. This is ten percent of the street works component of the project, plus the relevant management and consultancy fee, and is consistent with the Council contribution to other cable relocation projects.

3. PROPOSAL

3.1. With all costs determined and the financial contributions identified as in the above Table, it is now up to Council to determine whether or not to proceed with the project. It should be noted that the previous, larger scheme was abandoned due to sharply escalating costs after agreement of property owners to participate. Costs and contributions, as set out in the above Table, are firm until the end of April 2005, and therefore unforeseen cost increases should not occur.

3.2. Should Council determine to proceed with the project, the requirements of Section 164 of the Local Government Act are required to be followed. In brief, these involve formal notification to all affected property owners, setting out the project costs and identifying their particular financial contribution, and inviting comments or objections within a 30 day period. Following receipt of comments and objections, Council would consider such responses and, if it so determines, strike a Special Charge and notify all affected owners accordingly.

3.3. The Local Government Act allows for formal objection, which would be heard at the Victorian Civil and Administrative Tribunal (VCAT).
3.4. Once this process is complete, Council could proceed to engage a contractor to carry out the works. In due course, affected owners would be sent Special Charge Notices for payment of the Special Charge.

4. OPTIONS

The options come down to whether to proceed or not. Factors that are relevant include:

- The enthusiasm of property owners in the south-west quadrant to reactivate the project in their area, despite Council’s decision in June 2004 to abandon the proposal for the whole of St Vincent Place,
- The clear but non-committal indication of owners to make the required financial contribution,
- The firmness of costs and quotes, thereby limiting the likelihood of cost blow-out,
- The fact that the existing street trees are currently growing close to overhead wires. The project would reduce future requirements for pruning, allowing the trees to grow to their natural shape,
- The visual benefit to one of Melbourne’s most significant heritage precincts,
- The financial support of both CitiPower and the Powerline Relocation committee

5. POLICY IMPLICATIONS

5.1 While there is no direct policy guidance, this project is consistent with Council’s resolution as to the use of the ‘Optus fund’.

6. SUSTAINABILITY IMPLICATIONS

6.1 Social

There are no specific social implications.

6.2 Economic

Tree pruning and other maintenance costs will be reduced, together with the potential for disruption to electricity services due to pole or cable damage or impact.

6.3 Environmental

New street lights will be of a type that has reduced energy consumption. The main benefit is the enhanced visual amenity of a significant residential and recreational precinct.

6.4 Cultural

There are no specific cultural impacts.
7. RESOURCE IMPLICATIONS

7.1 Resource implications are limited to financial (Council contribution of about $25,000 to the project cost, and reduced tree maintenance in the future), and officer time.

8. INTERNAL CONSULTATION

8.1 The project has been discussed with the Ward Councillor.

9. EXTERNAL CONSULTATION

9.1 As described above, extensive contact has occurred with property owners and the contributing agencies.

10. CONCLUSION

10.1 This project enjoys a high level of support from affected property owners, although this has to be tested by formal notification of the actual Charge relevant to each property. The ‘Optus fund’ is capable of supporting the project (based on a 10 percent contribution by Council, as above. Visual benefit to the project area will occur.

10.2 On the other hand, this represents Council funding (albeit only a small percentage) of a project initiated by residents in a high-value part of the municipality. Other sites may evolve where the remaining ‘Optus fund’ could be more effectively spent.

11. COMMUNICATION

11.1 Upon the striking of the Special Charge, the project could be communicated as the closing project for the effective ‘Optus fund’.
12. RECOMMENDATION

12.1 It is recommended that:

12.1 Council resolve to proceed with the Cable Relocation project in the south-west quadrant of St Vincent Place, South Melbourne,

12.2 That the procedures for the introduction of a Special Charge, as set out in Section 164 of the Local Government Act be followed,

12.3 That, following the required formal advice to property owners and the consideration of any objections, a further report be presented to Council, based upon which Council will consider the introduction of a Special Charge to assist with the costs associated with the project’s implementation.
ATTACHMENT (MAP OF PROJECT AREA)
1. KEY ISSUES

1.1. Catani Gardens is a high profile public park located on the St Kilda foreshore. The main Fitzroy Street drain, which has a catchment area of approximately 39 hectares, runs under the southern end of Catani Gardens before discharging into Port Phillip Bay.

1.2. This project aims to capture stormwater from the Fitzroy Street drain, treat it to best practice and use it to irrigate approximately 50,000 m² of park area.

1.3. An existing feasibility study for this project estimates the re-use system could save approximately 12 million L of potable water per annum, and treat, through a bio-retention system, an additional 19 million L of stormwater.

1.4. A grant for $250,000 has been sought to provide funding for the project from the State Government (DSE) Stormwater and Urban Water Conservation Fund. Initial cost estimates for this application suggest an actual dollar input from council of $216,250 (+$61,000 in-kind labour and overheads). The project has been shortlisted for funding and would require an agreement to be signed by Council in April 2005. This would require a pre-commitment of $160,000 of funding from the 05/06 Parks Capital Works budget. It would also require a further $56,250 from the 06/07 Parks Capital Works Budget.

2. CONTEXT

2.1. A key component of the City of Port Phillip’s approach to a sustainable urban environment is mitigating the environmental impact of the stormwater flows from and through our municipality. Council strategies for improving stormwater quality to date include GPT’s, rainwater tanks and street biofiltration systems.
2.2. In 2003 the City of Port Phillip commissioned Ecological Engineering to prepare a feasibility study for 5 locations throughout the municipality to assess the possibility of implementing stormwater treatment and/or re-use strategies in these locations. The feasibility of each site was assessed using a number of criteria including sustainability performance (triple bottom line reporting), social and educational values, payback periods, the potential real cost of potable water, and the potential impact of water restrictions.

2.3. One of the feasibility studies investigated the opportunities at Catani Gardens on the St Kilda foreshore. The study found the Catani Garden site to show potential to significantly reduce potable water use through an approach that sourced stormwater from the main Fitzroy drain, and re-using it for irrigating Catani Gardens. The feasibility study estimated that a re-use system could save approximately 12 million litres of potable water each year. The savings would be able to be accurately determined as the site is metered.

2.4. The Catani Gardens Stormwater Capture and Re-use Project has the potential to demonstrate to the public the viability of stormwater mining, and to act as a demonstration for future council works using the stormwater as a resource for other fit-for-purposes uses. It also builds on the stormwater treatment work already undertaken by CoPP, while expanding the current suite of strategies into an area yet to be trialled by council.

2.5. A grant application was submitted to DSE in December 2004 requesting funding of $250,000 towards the implementation of this project as part of the Stormwater and Urban Conservation Fund. The application has progressed to the second round and is being seriously considered. If the application was to be successful, it would require a capital input from council of $160,000 in the first financial year (05/06) and $56,250 in the second year. DSE are aiming to announce the successful applicants in March and sign Funding Agreements by April 2005.

3. PROPOSAL

3.1. The proposal can be summarized as follows:

“Catani Gardens source areas

... The Fitzroy Street drain drains under the southern end of the garden prior to discharging into Port Phillip Bay. The drain has a catchment area of approximately 39 hectares of fully developed urban areas. Water collected from this drain would require treatment ... prior to its storage and later use for irrigation.”

While there is an existing gross pollutant trap (GPT) on the Fitzroy Street drain it is located downstream from Catani Gardens. There is a new GPT proposed on another drain upstream of Catani Gardens. This gross pollutant trap would then form the first part of the stormwater treatment system. “Outflows from the GPT would be pumped to a bioretention system that would remove fine sediment, nutrients and other pollutants. Discharge from the bioretention system would then drain into an underground system for storage until irrigation water is required.”
"Catani Gardens storage versus reliability

A relationship between system reliability and storage has been derived by selecting treatment system storages that is considered to be appropriate for the magnitude of this system. There are physical limits on some of the elements (e.g. the pumping extraction rate downstream of the GPT) and only realistic sizes were used.

The annual flow volumes through each component of the system are shown in the diagram below. It illustrates the water balance of the system and highlights the importance of appropriately sizing the various elements in the system.

One of the major sensitivities to the reliability of irrigation supply is the extraction pumping rate immediately downstream of the GPT. For this reason two reliability curves have been developed to represent a 20 and 30 L/s pumping rate and these are shown in the plot below.
Approximately 50% reliability could be achieved by using a 30 litre per second pump for extraction and a 1,000 KL tank. While this may appear to be a relatively low reliability it represents a significant saving of potable water use of approximately 12 million litres of potable water could be saved each year representing a cost saving of $9,500 for irrigation supply."

Ref: Stormwater harvesting opportunities for park irrigation, Sept 2003, Ecological Engineering

4. OPTIONS

4.1. Option 1 – to pre-commit to $160,000 of the 05/06 Parks Capital Works budget for this project as outlined in this report, and the Business Case submitted in December 2004.

4.2. Option 2 - Decline the grant offer.

5. POLICY IMPLICATIONS

5.1. Project consultants and a construction contractor would be selected in accordance with Council’s purchasing policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. Social

The project will have a broader social impact in that it saves potable water use, and contributes to an improvement in the overall quality and health of Port Phillip Bay.

6.2. Economic

The estimated cost of the project suggests a significant payback period (approx. 50 years) based on the current cost of water.

6.3. Environmental

The environmental gains would include significant potable water saving by using treated stormwater for irrigation (measured in KL water), and an improvement in water quality from Fitzroy Street drain outlet (measured in kg per year of suspended solids, nitrogen and phosphorus).

6.4. Cultural

The project will contribute to a growing awareness on water shortages and educate the community about evolving technology in water treatment. It aims to encourage a cultural shift in the way we value our water resources.

Catani Gardens is protected by a conservation overlay and is a significant heritage asset. This project would result in the replacement of some grassed area with alternative vegetation as part of the biofiltration system. The water storage, pumping system and associated hardware would be installed underground. The project has been discussed with officers from Heritage Victoria and they are sympathetic to the project.
7. RESOURCE IMPLICATIONS

7.1. Council’s total contribution of $216,250 over two years would be funded from the Parks and Open Space section of the capital works budget.

7.2. The CoPP component of the project includes $61,000 of in-kind labour and overheads. The project would be managed by the Infrastructure and Environment department.

8. INTERNAL CONSULTATION

8.1. The initial report prepared by Ecological Engineering was prepared for the Urban Design and Architecture Department as part of a VSAP funded project.

8.2. The grant application was prepared by the Sustainable Design Officer from the Urban Design and Architecture Department with advice from the Project Manager Parks & Open Spaces, Project Manager Infrastructure & Capital Works Planning, Environmental Project Officer, and Asset Services Officer.

9. EXTERNAL CONSULTATION

9.1. The public will be consulted as part of the Town Planning process.

9.2. Ongoing consultation and communication regarding the project will form part of other environmental programs undertaken by council.

9.3. The project would need to be approved by Heritage Victoria through a Planning Permit process.

10. IMPLEMENTATION

10.1. Program / Timelines (from Business Case).

<table>
<thead>
<tr>
<th>Task description</th>
<th>Program (completion date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expected start date</td>
<td>Beg April 2005 upon receipt of grant monies</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-design phase (4 months)</td>
<td></td>
</tr>
<tr>
<td>Prepare briefing documents for consultants</td>
<td>April 2005</td>
</tr>
<tr>
<td>Select and engage consultants</td>
<td>May 2005</td>
</tr>
<tr>
<td>Preparation of feasibility study</td>
<td>June 2005</td>
</tr>
<tr>
<td>Stakeholder liaison</td>
<td>July 2005</td>
</tr>
<tr>
<td><strong>MILESTONE 1</strong></td>
<td><strong>July 2005</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Schematic design phase (2 months)</td>
<td></td>
</tr>
<tr>
<td>Preparation of schematic design</td>
<td>August 2005</td>
</tr>
<tr>
<td>Initial costing</td>
<td>August 2005</td>
</tr>
<tr>
<td>Internal council liaison and approval</td>
<td>September 2005</td>
</tr>
<tr>
<td>Stakeholder liaison</td>
<td>September 2005</td>
</tr>
<tr>
<td><strong>MILESTONE 2</strong></td>
<td><strong>September 2005</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Final design phase (3 months)</td>
<td></td>
</tr>
<tr>
<td>Preparation of detailed design and documentation (including Planning and Building permit appl'ns)</td>
<td>October 2005</td>
</tr>
<tr>
<td>Authority approval</td>
<td>December 2005</td>
</tr>
<tr>
<td><strong>MILESTONE 3</strong></td>
<td><strong>December 2005</strong></td>
</tr>
</tbody>
</table>
Tender phase (2 months)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project tender</td>
<td>February 2006</td>
</tr>
<tr>
<td><strong>MILESTONE 4</strong></td>
<td>February 2006</td>
</tr>
</tbody>
</table>

Construction phase (6 months)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction management</td>
<td>March - August 2006</td>
</tr>
<tr>
<td>Construction and installation of stormwater</td>
<td>March - August 2006</td>
</tr>
<tr>
<td>treatment systems</td>
<td></td>
</tr>
<tr>
<td><strong>MILESTONE 5</strong></td>
<td>August 2006</td>
</tr>
</tbody>
</table>

Monitoring phase (15 months)

<table>
<thead>
<tr>
<th>Activity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing monitoring</td>
<td></td>
</tr>
<tr>
<td>Ongoing promotion</td>
<td></td>
</tr>
<tr>
<td><strong>MILESTONE 6</strong></td>
<td>November 2007</td>
</tr>
</tbody>
</table>

Total duration of the project 32 months (2 years, 8 months)

11. CONCLUSION

11.1. Improving the quality of stormwater is an important part of the City of Port Phillip’s ongoing approach to improving the health of Port Phillip Bay. This project offers an exciting opportunity to develop local scale infrastructure to meet the dual aims of treating stormwater quality and saving potable water. At the same time it investigates alternative treatment methods and would act as a case study for other councils.

11.2. Refer to Recommendations.

12. COMMUNICATION

12.1. The three key messages to be communicated from this project are:

1. The concept of fit-for-purpose water use, ie re-using lower quality water for purposes that do not require potable water quality.

2. That as a community, there is a valuable resource in our stormwater that is currently largely under-utilised.

3. That water re-use technology at a neighbourhood scale is possible, fast becoming economically viable and effective in achieving significant water savings.
13. RECOMMENDATION

13.1. That the City of Port Phillip pre-commit to $160,000 of the Parks Capital Works budget for 05/06, to go towards the Catani Gardens Stormwater Capture and re-use Project, with a further $56,250 to be utilised from the 06/07 Parks Capital Works budget.

13.2. That the Common Seal of the Port Phillip City Council be affixed to the ‘Stormwater and Urban Water Conservation Fund Funding Deed’ document.
KEY ISSUES

1.1. To confirm the composition of the official delegation travelling to Japan in June 2005 to participate in Victoria Week activities at Expo 2005, Aichi, and to follow up on opportunities created during the April 2004 official delegation visit.

CONTEXT

2.1. Expo 2005, Aichi is being held in Aichi Prefecture, Japan from 25 March to 25 September 2005. Aichi Prefecture and Victoria established a sister state relationship in 1980. Victoria Week will be held from 26 June to 2 July 2005. Aichi Prefectural Government has provided free space for one week within the Aichi Pavilion for Victoria and Jiangsu (China), with which it also has a sister state relationship. The City of Port Phillip has secured space in the Victoria Week schedule after negotiations with the Department of Premier and Cabinet.

2.2. Australia also has its own pavilion, with space allocated to each state throughout the six months of Expo 2005, Aichi. Following discussions with the Department of Premier and Cabinet, it was determined that having a presence in the Australian Pavilion would be an ineffective form of participation for Port Phillip, due to the extent of our participation in proportion to the overall activities in the Australian Pavilion.

2.3. The Premier of Victoria and the Governor of Aichi will officiate at the Victoria Week opening and closing ceremonies, as well as hosting various events throughout the week.

2.4. During the April 2004 visit to Obu, the official delegation met with representatives from Toyota Body (formerly Araco Corp.). The CEO also met with Senior Trade Advisor for the Tokyo Branch of Austrade and discussed the City of Port Phillip’s potential participation in Expo 2005, Aichi and other opportunities for promoting the City of Port Phillip as an attractive destination for the Japanese.
2.5. A walking trail and accompanying brochure will be launched simultaneously at Expo 2005, Aichi and in Port Phillip.

2.6. Other aspects of participation include a promotional video, which will be shown throughout the day of the launch, and an advertisement in the Department of Foreign Affairs and Trade’s (DFAT) official Expo publication.

3. PROPOSAL

3.1. It is proposed that Council send an official delegation during Victoria Week in June 2005, consisting of the Mayor, a senior executive (i.e. CEO or Executive Director) and a support officer.

4. OPTIONS

4.1. Undertake official delegation to coincide with Victoria Week.

   4.1.1. Fulfills commitment of participation made to Department of Premier and Cabinet and maximises any opportunities for the City of Port Phillip to gain leverage from Victoria Week activities.

4.2. Undertake no delegation.

   4.2.1. Does not fulfill commitment of participation made to Department of Premier and Cabinet and any opportunity for the City of Port Phillip to leverage off Victoria Week is lost.

   4.2.2. Does not fulfill commitments made during official sister city discussions between the cities of Port Phillip and Obu in November 2003 to promote exchanges between cultures and communities, and to identify opportunities for involvement in Expo 2005, Aichi.

5. POLICY IMPLICATIONS

5.1. There is no written policy regarding official visits to Obu, but past practice has been for an official delegation to visit Obu for specific special occasions, such as the 10th anniversary of the sister cities relationship in 2003 / 04.

5.2. The previous official delegation from Port Phillip consisted of the current Mayor, previous Mayor, Chief Executive Officer, Sister Cities Coordinator and Publicity / Support Officer, and was accompanied by a community delegation.
6. SUSTAINABILITY IMPLICATIONS

6.1. Social

By following up on opportunities created during the April 2004 visit to Obu, there is the potential to maximise the social benefits of the sister cities program.

6.2. Economic

Economic benefits are not the main focus of the sister cities program. However, the visit and participation in Expo 2005, Aichi will actively promote Port Phillip as a desirable destination to visitors from Japan, encouraging more Japanese tourists and overseas students to visit the municipality and spend their money locally. By following up on opportunities created during the April 2004 visit, we will be able to maximise the benefits that arise from these opportunities.

6.3. Environmental

There are no negative impacts on the environment. Expo 2005’s strong environmental theme will present the delegation with opportunities to explore environmental issues from a global perspective.

6.4. Cultural

There is always an element of cultural learning during a visit. This visit will enhance cross-cultural understanding between Australia and Japan and promote the sister city relationship as a means to furthering personal, business and community interest in another country.

7. RESOURCE IMPLICATIONS

7.1. The cost for each individual delegate to travel to Japan to participate in the Victoria Week activities is approximately $3,500, which would cover the cost of airfare, travel insurance, accommodation, meals, transfers and admission into Expo 2005, Aichi. The sister cities budget for 2004 / 05 includes an allocation of $10,500 for 3 delegates to visit Japan. An additional amount of $12,000 has been allocated in the 2004 / 05 budget for associated activities promoting the City of Port Phillip during Victoria Week.

8. INTERNAL CONSULTATION

8.1. The following people have been consulted in relation to the issue being addressed in the report:

8.1.1. Mayor.
8.1.2. CEO.
8.1.3. Communications Coordinator.
9. EXTERNAL CONSULTATION

9.1. The following external people and/or organizations have been consulted in relation to the issue being addressed in the report:

9.1.1. Department of Premier and Cabinet.
9.1.2. Department of Innovation, Industry and Regional Development.
9.1.3. City of Obu.

10. IMPLEMENTATION

Once the trip has been approved and the delegation has been selected, we will proceed with arrangements as planned, including a pre-trip briefing session for the delegation.

11. CONCLUSION

11.1. There has been very positive media coverage of the City of Port Phillip's sister city relationship with Obu. External organizations such as CLAIR (Japanese Local Government Centre), the Australian Sister Cities Association (ASCA) and the Japanese Consulate-General have recognised it as a benchmark for other sister cities. ASCA presented the City of Port Phillip with a national award for cultural excellence in 2004. This award is a result of our strong sister city relationship with Obu and excellent programs established over the years. There is greater awareness of the sister city relationship and greater enthusiasm for it amongst the local community.

11.2. By focusing on the tourism and economic benefits of the sister city relationship during this visit, we would be adding greater depth to our sister city relationship.

11.3. Council needs to decide whether to proceed with the delegation as proposed.

11.4. Council also needs to consider and agree on the composition of the official delegation.

12. COMMUNICATION

12.1. Coverage of the trip and its benefits to the city and community will be achieved through PPoL (i.e. council’s website), local newspapers, Community Update and media releases.
13. RECOMMENDATION

13.1. Council to send an official delegation consisting of the Mayor, a senior executive and a support officer to Japan in June 2005 to participate in Victoria Week activities at Expo 2005, Aichi, and to follow up on opportunities created during the April 2004 official delegation visit.
1. **KEY ISSUES**

1.1. There is a legislative requirement that Council must adopt a Code of Conduct.

1.2. The previous Council adopted a Code of Conduct in September 2004 (see attached).

1.3. Legislation also requires that a Council must review its Code of Conduct within 6 months after a general election, therefore Council is required to complete the review by 27 May 2005.

1.4. The Code of Conduct applies to Councillors of the Port Phillip City Council.

2. **CONTEXT**


2.2. The Local Government Division had recommended that councils going to an election in November 2004 adopt a code prior to the election, thus giving the new council a period of six months to review the code after the election.


2.4. A Code of Conduct must contain:

2.4.1. Behaviours expected of Councillors and members of special committees whilst undertaking their duties;

2.4.2. A process for resolving an internal dispute between Councillors;

2.4.3. Procedures relating to the disclosure of interests and conflict of interests;

2.4.4. A statement of caretaker procedures applying during an election period.
2.5. The previous Council deliberately avoided developing a Code of Conduct designed to be used as a disciplinary tool. It was intended to be used as a means of facilitating positive and effective leadership by the Council, therefore the code was made concise and no punitive measures were included in the code.

2.6. The adopted code contains statements that Council will comply with all the provisions of the Local Government Act 1989 with respect to disclosure of interests and conflict of interests, and caretaker provisions. To comply with legislative requirements, attachments, forming part of the code, have been used to outline procedures for these matters.

3. PROPOSAL

3.1. It is proposed that Council review the attached Code Of Conduct with a view to adopting a code by 27 May 2005.

3.2. A minor change has been made to the code in the first line of the “Introduction” to indicate that the code applies to Councillors.

3.3. An Appendix 3 has also been included to outline the legislative requirements with respect to “confidential information”.

3.4. All changes have been tracked in the attached code.

4. OPTIONS

4.1. Council can:

4.1.1. Review and adopt the code as attached; or

4.1.2. Review and amend the code as it sees fit, ensuring that the code complies with the legislative requirements outlined in 2.5.1 to 2.5.4 above.

5. POLICY IMPLICATIONS

5.1. Development and review of a Code of Conduct is a legislative requirement. Once the review has been undertaken, the code will be formally adopted as Council policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. The Code of Conduct recognises that:

6.1.1. Social – there are diverse needs in the community that have to be considered by Council when making decisions. The role of Council is to foster cohesion and promote active participation.

6.1.2. Economic – when Councillors are acting in their quasi-judicial role as the Council, Council will act impartially and decisions will be made in the best interests of the whole community, and that Council is responsible for ensuring resources are managed in a responsible and accountable manner.

6.1.3. Environmental – that resources should be managed in a way that will sustain the city for future generations.
6.1.4. **Cultural** – it is the responsibility of Councillors to treat all persons with courtesy and respect, and to act with honesty and integrity. The code recognizes that Councillors hold a position of trust and that they should not misuse their positions for personal gain. The code also recognizes that Councillors are seen as leaders and advocates in the community.

7. **RESOURCE IMPLICATIONS**

7.1. This report has no immediate resource implications for Council.

8. **INTERNAL CONSULTATION**

8.1. Councillors and Council management were consulted in the development of this code.

9. **EXTERNAL CONSULTATION**

9.1. In developing the Code of Conduct, Council has adhered to the requirements of the Local Government Act 1989 and has noted the advice via the Practicalities newsletters issued by Local Government Victoria.

9.2. Council officers have attended information sessions organized by the Municipal Association of Victoria and addressed by representatives from Local Government Victoria.

10. **IMPLEMENTATION**

10.1. If the Strategy and Policy Review Committee recommends to Council that it adopt the code as attached, or with minimal changes, then Council should be in a position to adopt the code at the Ordinary Council meeting scheduled for 28 March 2005.

10.2. If the amendments are substantial a further report may be required for the April 2005 Council meeting cycle.

11. **CONCLUSION**

11.1. There is a legislative requirement that Council review and adopt a Code of Conduct by 27 May 2005. The presentation of this report to the Strategy and Policy Review Committee commences a process to meet this deadline.

12. **COMMUNICATION**

12.1. Once Council has adopted the Code of Conduct:

12.1.1. A copy of the current code of conduct will be given to each Councillor;

12.1.2. The code will be made available for public inspection; and

12.1.3. The code will be placed on the Council website.
13. **RECOMMENDATION**

13.1. The Strategy and Policy Review Committee recommend that Council review and adopt the Code of Conduct attached to this report containing all the legislative requirements, namely:

13.1.1. Behaviours expected of Councillors whilst undertaking their duties;

13.1.2. A process for resolving an internal dispute between Councillors;

13.1.3. Procedures relating to the disclosure of interests and conflict of interests;

13.1.4. A statement of caretaker procedures applying during an election period.

13.2. The Strategy and Policy Review Committee recommend that Council adopt the Code of Conduct prior to 27 May 2005 and it endorse that the code be placed on the Council website.
1. **KEY ISSUES**

1.1. This report is presented to the Strategy and Policy Review Committee as a review of the Council election conducted in November 2004. It considers such issues as:

1.1.1. The election contract;
1.1.2. Promotion of the election;
1.1.3. Preparation of the voters’ roll;
1.1.4. The pre-election process;
1.1.5. Election day, including the count;
1.1.6. Voter turnout;
1.1.7. Voting methods; and
1.1.8. The caretaker period.

2. **CONTEXT**

2.1. This report comprises two attachments, a review of the election from a Council perspective (Attachment 1) and a report produced by the Victorian Electoral Commission providing technical and statistical information (Attachment 2).
2.2. Considerable effort was made over a long period of time to improve voter turnout at the 2004 election, however the outcome was unfortunately a reduction in turnout. There was action taken to ensure that those who were entitled to be on the voters’ roll were aware of their entitlement and subsequently, those who were on the roll were aware of the election and the requirement to vote. Activities undertaken are outlined in Attachment 1.

2.3. Considerable effort was also taken to ensure the accuracy of the voters’ roll (see Attachment 1).

2.4. The Victorian Electoral Commission was engaged to conduct an attendance election.

2.5. All seven wards were up for an election, however, only six of the wards were contested. Attachment 2 is a report by the Victorian Electoral Commission providing a summary of all the activities during the election period and details of the count for each ward.

2.6. Voter numbers in two of the contested wards were outside the plus/minus 10% tolerance as required by legislation. Council will be subject to an electoral representation review prior to the November 2008 election, probably during 2007 or early 2008, that will address this issue.

3. PROPOSAL

3.1. It is proposed that the Strategy and Policy Review Committee recommend that Council receive and note the reports.

4. OPTIONS

4.1. Council may wish that some aspect of the election process be further reviewed.

5. POLICY IMPLICATIONS

5.1. Currently there is a Council resolution that states that Port Phillip Council will conduct its elections by attendance voting rather than by postal voting. This decision rests solely with the Council. Attachment 1 provides information regarding postal elections. Council is able to consider the method of voting at anytime prior to the next election in November 2008.

6. SUSTAINABILITY IMPLICATIONS

6.1. Council elections provide a real opportunity for the voters to become involved in shaping the community in which they live or own property, and to vote for the candidates of their choice. The elected councilors are able to develop the policies that will to a large extent determine the social, economic, environmental and cultural fabric of the community.

7. RESOURCE IMPLICATIONS

7.1. The Victorian Electoral Commission’s tender price to conduct the November 2004 election was $281,797 (excluding GST). The exact cost has not been finalized because the failure to vote follow-up action is still being undertaken.
8. INTERNAL CONSULTATION

8.1. The conduct of Council elections is an administrative responsibility undertaken by the Chief Executive Officer.

8.2. Legislation allows Council to tender out the election service to an “electoral commission”, however, an election can be conducted by Council staff.

8.3. The conduct of an election requires considerable staff resources and knowledge of election regulations. Council has the knowledge, but not the access to the resources.

9. EXTERNAL CONSULTATION

9.1. The Victorian Electoral Commission has the expertise and access to the personnel required to conduct a municipal election. Furthermore, engaging the Victorian Electoral Commission to conduct the election ensures that Council is independent of, and “at arm’s length” from the process.

10. IMPLEMENTATION

10.1. N/A.

11. CONCLUSION

11.1. This report provides Council with the opportunity to review the conduct of the 2004 election and seek further information where required.

12. COMMUNICATION

12.1. N/A.

13. RECOMMENDATION

13.1. The Strategy and Policy Review Committee recommend that Council receive and note the following attached reports:

13.1.1. City Of Port Phillip Report Regarding The Conduct Of The Election Held Saturday 27 November 2004; and

1. **KEY ISSUES**

1.1. To present to Council the City of Port Phillip Audit Committee Annual Report for 2004.

1.2. To bring to the attention of Council the matters discussed at the December 2004 meeting of the Audit Committee.

1.3. A copy of the Annual Report is attached.

1.4. The minutes of the December 2004 meeting have been circulated to all Councillors.

2. **BACKGROUND**

2.1. The City of Port Phillip Audit Committee Terms of Reference require that the Audit Committee report annually to Council, summarizing the activities for that year. The attached Annual Report encompasses the activities of the Audit Committee from January to December 2004.

2.2. Council resolved on 18 December 1996 that it be advised of all matters considered by the Audit Committee. This report also advises Council of all matters discussed at the meeting held on Wednesday 1 December 2004.

2.3. The *Best Practice Guidelines for Local Government Entity Audit Committees and Internal Audit, November 1999*, recommend:

2.3.1. That minutes and a report explaining specific recommendations and key outcomes should be forwarded to the next Council meeting after each Audit Committee meeting; and

2.3.2. That Audit Committees should report annually to their Councils summarizing their activities.
2.4. This report complies with the requirements of the Audit Committee Terms of Reference, the Council resolution and the Best Practice Guidelines for Local Government Entity Audit Committees and Internal Audit.

3. PROPOSAL

3.1. Council receive and note:

3.1.1. The 2004 Annual Report of the City of Port Phillip Audit Committee; and

3.1.2. The report outlining the matters considered by the Audit Committee at its December 2004 meeting.

4. CONTEXT

4.1. The 2004 Annual Report provides a summary of the activities of the Audit Committee for the year, as well as, outlining how the Committee fulfilled the responsibilities detailed in its Charter.

4.2. The external membership of the Audit Committee has not changed over the past twelve months, however, Mr John Warburton took over as Chairperson of the Committee from the Hon. Neil Batt who retired in December 2003.

4.3. Matters considered by the Audit Committee at its December 2003 meeting were:

4.3.1. **Internal Audit Program 2004 – 2006** – the Audit Committee was given an update on the progress of the conduct of the audits listed on the program.

4.3.2. **Staff leave accruals** - the Audit Committee received an update of the excessive balances of annual leave as at November 2004, as well as, a report from each Executive Director outlining how the balances are being managed. Management agreed that accrued leave remained an issue that required ongoing close scrutiny and that it is difficult to get all staff compliant. The Internal Auditor stated that significant improvement had been made in reducing leave accruals over the past few years and that the numbers were heading in the right direction. The Audit Committee will continue to monitor the level of annual leave balances.

4.3.3. **Risk Management** - the Committee received a report updating the status of the Risk Management Project. The Committee was advised that most parts of the organisation were following through with the project requirements after the risk workshops. In stage 2 of the project the business units will be revisited to determine what has actually been done to mitigate identified risks. The Committee noted that it was a valuable report. The Committee receives a report on the progress of this project at every second meeting.

4.3.4. **Rates Outstanding** - the Audit Committee received and discussed a summary of outstanding rates for the period ended 31st October 2004. The Committee noted the continued good progress made regarding the collection of outstanding rates. The Committee will continue to monitor the collection of rates.
4.3.5. Office Accommodation Project - The Committee has requested that it be provided with a copy of the Office Accommodation risk analysis report once available and prior to practical commencement of the project. The report should be available for the Committee at its March 2005 meeting.

4.3.6. Quarterly Report to Council September 2004 - the Audit Committee received the September 2004 Quarterly Management Report to Council. The report provided financial data, capital works update, performance indicators, etc. The Committee discussed the major unfavourable variances highlighted in the report.

4.3.7. Payroll Audit - the Committee received the Payroll Audit prepared by the Internal Auditor. The Auditor stated that relevant policies and procedures were in place, but that they may not always be strictly complied with. The Auditor and management have discussed the audit recommendations.

4.3.8. 2004 Audit Committee Annual Report to Council – the Audit Committee finalised the report to Council (see attached).

4.3.9. Audit Committee Membership – the Audit Committee was advised that Council determined to offer Mr Warburton a further two year term as an external member of the Audit Committee. Mr Warburton accepted the offer and will advise the Chief Executive Officer in writing.

4.3.10. Miscellaneous - the Chairperson, on behalf of the Committee, stated that the Audit Committee had had a productive year, it was good that the Mayor was able to attend the meetings of the Committee, papers presented to the Committee were of a high standard, attendance of managers and their honest feedback was welcomed and encouraged, the Manager Finance and Investments and his staff were to be congratulated on an excellent audit result for 2003/2004 and the quality of Internal Audits was excellent.

5. POLICY IMPLICATIONS

5.1. This report is presented in accordance with the Terms of Reference of the Audit Committee and in response to a previous resolution of Council. The recommendation of this report has no impact on existing policy, nor does it create any new policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. This report has no direct effect on the four pillars, however, the activities of the Audit Committee do impact on the pillars.

Social

Some of the matters dealt with by the Audit Committee are concerned about the well-being and safety of the community. The Risk Management project for example not only deals with risks, both financial and non-financial that directly impact upon Council, but is also designed to discover risks in the community over which Council may have some influence.
Economic

Audits undertaken by the Internal Auditor usually do contain comments regarding cost issues that will come under the close scrutiny of the Audit Committee. Furthermore, the Audit Committee has in the past encouraged Council to question the relevance of the services it provides.

Environmental

Where possible the Audit Committee will question staff about environmental impacts that may eventuate as a result of the activities of the Council.

Cultural

The Audit Committee is concerned that the organization has in place processes that promote good corporate governance so that the operations of the Council are transparent, as well as, effective.

7. RESOURCE IMPLICATIONS

7.1. The 2004 Audit Committee Annual Report and the matters considered by the Audit Committee at its December 2004 meeting have no immediate resource implications.

8. INTERNAL CONSULTATION

8.1. Council staff are invited to attend Audit Committee meetings or submit reports to address specific issues on the agenda.

8.2. The Mayor and Executive Director Corporate Management are the Council representatives on the Audit Committee. The CEO is invited to attend meetings as a guest.

9. EXTERNAL CONSULTATION

9.1. Where appropriate, the Audit Committee will invite representatives from external organizations, namely auditors, insurers, etc., to seek information and/or clarification on various matters.

9.2. There are two external members on the Audit Committee, one being the Chairperson.

9.3. Council’s Internal Auditor attends all meetings of the Audit Committee and provides information and advice as requested.

10. IMPLEMENTATION

10.1. The Audit Committee is an Advisory Committee of the Council, therefore any suggestions or recommendations made by the Audit Committee that require the development of policy are referred to GMT and/or Council for discussion.
11. CONCLUSION

11.1. The Audit Committee will continue to:

11.1.1. Respond to requests for advice from Council;

11.1.2. Review all matters that it considers to be within its Responsibilities and Terms of Reference; and

11.1.3. Report to Council annually, as well as, advise Council about its activities.

12. COMMUNICATION

12.1. A copy of the 2004 Audit Committee Annual Report will be placed on display at the libraries.

13. RECOMMENDATION

13.1. The Strategy and Policy Review Committee recommends that Council receive and note:

13.1.1. The 2004 City of Port Phillip Audit Committee Annual Report to Council which will be made available at all Port Phillip libraries; and

13.1.2. The report outlining the matters considered by the Audit Committee at its December 2004 meeting, that included issues such as the internal audit program, excessive leave accruals, the 2003/2004 Financial Statements, the Risk Management project, monitoring of outstanding rates, a risk assessment for the office accommodation project, the September 2004 Quarterly Report to Council, the payroll audit and Committee membership.
1. **KEY ISSUES**

   1.1. The council’s newly confirmed meeting cycle provides an opportunity each month to hold a neighbourhood forum or similar opportunity to engage the community. A proposal to conduct 6 forums in 2005 is being put before council.

2. **CONTEXT**

   2.1. The neighbourhood forum program has now been operating since October 2001.

   2.2. Time has been set aside in the council’s recently adopted meeting cycle to continue to hold forums.

   2.3. The neighbourhood forum program is one of several methods the council uses to consult with the community. The primary aim of the program is for the council to listen and respond to neighbourhood issues in a less formal way than occurs during the monthly meeting cycle. The forum program is only one of the tools in our consultation and participation program and needs to be seen as complementing the many other forms of community engagement. Unlike other forums on specific issues, this program encourages a free flow of information on issues defined by the attendees wherever possible.

   2.4. A review of the neighbourhood forum program was conducted in late 2004 and a report put to council in the November 2004 meeting cycle.
2.5. At that time, the council made the following recommendation for consideration by the new council:

2.5.1. That the neighbourhood forum program be continued as part of the monthly meeting cycle

2.5.2. That the neighbourhood forum program is conducted monthly in one of the 6 neighbourhood groupings in sequence and provides a mix of citywide strategic and neighbourhood issues

2.5.3. That direct household invitations to the neighbourhood forum be discontinued, but all other methods of promotion be trialled, with special outreach to promote a more representative attendance

2.6. The newly elected council subsequently discussed the issue of neighbourhood forums and considered a draft schedule for 2005 at a briefing on 7 February 2005.

3. PROPOSAL

3.1. For 2005 there is an opportunity to hold a series of forums that reflect the learnings and recommendations of the review, whilst providing even greater focus to Council’s Top 10 priorities.

3.2. The monthly forum program will continue in one of the six groupings of neighbourhoods in sequence. Presentations will be restricted to two or three topics to enable maximum opportunity for community members to raise their issues. Topics will have both a citywide strategic or local neighbourhood focus. Information will also be provided on various services and projects, with opportunities for community group information and displays to encourage their involvement and attendance. Opportunities for small group discussions may also be provided. Interpreters will continue to be used, as appropriate.

3.3. The agendas will be developed through a series of steps including review of previous forum suggestions and discussions with councillors and staff. The objective will be to cover issues that are current, of general interest and where council or community groups will benefit from information exchange.

4. OPTIONS

4.1. A proposal for 6 forums per annum has been developed. Each forum will see a greater focus on citywide strategic issues (i.e. the council’s Top 10 priorities) and include an opportunity for discussion on ‘hot topics’ in the neighbourhood where the meeting is being held.

4.2. There is an opportunity to modify the structure of some of the neighbourhood forums to see how successfully different models might work. Options include the use of small group sessions in lieu of large groups for portion of a forum or starting a session at 5.30pm with a more informal chance to make requests of the ASSIST staff and meet other Council staff and Councillors on specific issues, prior to the more formal or structured program commencing at 7.00pm.
4.3. It is proposed that council officers discuss options for each neighbourhood forum with the relevant councillor prior to the format for the forum being finalised. These discussions will also address the role of the councillor at that neighbourhood forum, to clarify their role and ensure that their participation is meaningful.

5. POLICY IMPLICATIONS

5.1. The Port Phillip council plan requires council “to support community governance by promoting effective dialogue and active citizenship in the community” (Council Plan 2004/5 Cultural Vitality Pillar, Objective 2 Community Governance) and proposes that participation in neighbourhood forums is broadened (Initiative 2.1.1).

6. SUSTAINABILITY IMPLICATIONS

6.1. This project will contribute to achieving cultural, and social sustainability by giving residents and other stakeholders the opportunity to contribute to Council’s decision-making process and participate in community activities.

7. RESOURCE IMPLICATIONS

7.1. Based on past experience, approximately $40,000 in operating costs and significant staff time will be required to prepare for and conduct the events. A specific proposal will form part of the forthcoming annual budget process.

8. INTERNAL CONSULTATION

8.1. Consultation has occurred with Councillors, senior staff and members of the Governance and Neighbourhood Development team.

9. EXTERNAL CONSULTATION

9.1. Feedback was sought from attendees at each forum. This has assisted in identifying ideas for improvement.

10. IMPLEMENTATION

10.1. A key component of the implementation phase will be promotion of the neighbourhood forums. There is no doubt that the current method of household invitations has been effective. However, the high cost can not be justified in the long term and other methods of promotion should be utilised. Other methods of promotion may include notices in the local paper and Divercity, street banners, and schools/community groups to be requested to promote each forum in their regular publications. The impact of this should be closely monitored to ensure that promotion is effectively targeted. Special efforts should be made to involve public housing tenants, multicultural communities and people with disabilities, so that attendees are more representative of our community as a whole. It would also be important to encourage young people as guest speakers and generally encourage more young people to attend.
11. CONCLUSION

11.1. It is considered that the proposed schedule and format for 6 forums in 2005 will effectively promote dialogue and active citizenship in the community. The council is asked to confirm the new cycle for neighbourhood forums in the City of Port Phillip.

12. RECOMMENDATION

12.1. That the Strategy and Policy Review Committee recommend to council that:

12.1.1. The neighbourhood forum program be conducted monthly (normally on the Monday of the third week of the council meeting cycle) for the period May to October 2005.

12.1.2. The forums commence in Port Melbourne, and subsequent forums be conducted in Elwood/Ripponlea, St Kilda, East St Kilda, Middle Park/Albert Park and South Melbourne.

12.1.3. Each forum focus on a combination of local and citywide strategic issues.
1. KEY ISSUES

1.1. The purpose of this report is for Council to consider the findings of the Sustainable Value Service Review Panel recommendations and the GMT endorsed implemented.

2. CONTEXT

2.1. Environmental Programs undertook a service review in October with a view to determining:

2.1.1. Its value for money in delivering past and present programs

2.1.2. Its future strategic direction

2.1.3. Its role within the organisation

2.2. A number of the Panel’s recommendations imply an organisational response beyond the scope of the Environmental Programs activity.

3. PROPOSAL

3.1. The Panel’s key recommendation for Environmental Programs Unit is for it to “assume a more strategic coordination role within CoPP, responsible for ensuring strategic policy alignment and overall measurement and reporting of organisation environmental outcomes.”

3.2. The extent of the organisational response the Panel’s recommendations has been considered by GMT and is reflected in the attached GMT endorsed implementation plan. Organisational issues raised by the Panel include the following:

3.2.1. Environmental Programs Unit requires stronger levels of senior leadership support.
3.2.2. CoPP management need to ensure that the Environmental Programs Unit’s is adequately resourced to align with its more strategic coordination role.

3.2.3. A whole of organisation steering group be developed, comprised of senior management personnel, that provides environmental leadership to the organisation.

3.2.4. Environmental KPI’s need to be developed for the organisation as a whole.

3.2.5. The Service Review Panel, in its consideration of the performance of Environmental Programs, highlighted an inherent tension in the organisation’s current response to sustainability and environmental performance.

3.3. While “The Panel recognises that all areas of CoPP management are charged with the broad environmental responsibilities”, environmentally based activity is spread across a number of different parts of the organisation.

> Even though there are benefits in the decentralisation of this activity, the net result is a lack of coordination – even fragmentation – of effort. This leads to outstanding results in isolated areas with overall performance still lacking. The Panel identified “a gap in strategic service delivery across the organisation. This gap relates to environmental coordination, and measurement and reporting of total organisation environmental outcomes.

>Closing the strategic gap needs to be addressed at three levels – Strategy, Systems, and program delivery (Staff).

### Strategy

There is a need move beyond the stand-alone strategies we have (greenhouse, water, transport etc) and establish a more integrated approach at a strategic level. The Sustainable Living Framework (See attached) proposes a strategic model that integrates our current programs.

Integration is crucial if we are going to maintain a position of leadership within the sector regarding sustainability. Feedback we have had is the City of Port Phillip was over looked for the first round of Travel Smart because of a lack of integration of our transport strategy with other sustainability issues such as greenhouse.

The Sustainable Living Framework seeks to integrate program delivery under the categories of travel, energy, water, waste, health, and finance, leading to a more sustainable community.

### Systems

The development of new systems and the improvement of existing systems can greatly assist with strategic integration. The Environmental Framework is underway and is the first attempt to provide strategic integration at a systems level (this is the subject of a Council briefing on 28 March 2005).
Our environmental performance can be greatly enhanced by better use of systems. A good example is in the area of energy management. In the past, we have relied on single stand-alone projects to deliver improvements (ICLEI/CPP). This has worked for us and established our reputation as a leader in greenhouse gas abatement. We have picked the low hanging fruit – we now required a more systematic approach.

Moving beyond one-off improvements, energy management needs to become an organisational responsibility. Under the proposed energy management model, every facility manager will have responsibility for monitoring energy consumption and setting targets for improvement. As well as delivering cost savings to the organisation, we will continue to meet the Council adopted greenhouse target of 90% of 1996 levels.

The attached flowchart shows how improved systems can assist in the monitoring and targeting. Systems improvements such as electronic billing are a key aspect of energy management.

Staff (program delivery)

A key finding of the review panel was the identification of the need for “a more strategic coordination role within CoPP . . . ensuring strategic policy alignment and overall measurement and reporting of organisational outcomes.” To achieve this, “stronger levels of senior leadership support” are required.

In the context of the service review of Environmental Programs, the Panel recommended that this unit provides the strategic coordination and the vehicle for this be “a whole of organisation steering group be developed, comprised of senior management personnel, that provides environmental leadership to the organisation and supports coordination and collaboration of the organisation’s environmental efforts.”

4. OPTIONS

4.1. That Council receives the Report of the Sustainable Value Service Review Panel and the GMT endorsed implementation plan. The implementation plan requires regular reporting to GMT on key milestones and indicators.

4.2. That Council receives the Panel’s report but awaits the Environmental Policy and associated indicators before adopting the implementation plan.

5. POLICY IMPLICATIONS

5.1. An Environmental Policy is currently being developed. The policy development process was initiated by Council in June 2004 and will be considered again in the April meeting cycle.

5.2. This policy will provide a high level document for all council environmental strategies to work and evolve under. For example:

   5.2.1. Green Transport Framework
   5.2.2. Sustainable Environment Strategy
   5.2.3. Sustainable Design Strategy
   5.2.4. Greenhouse Gas Reduction Strategy
6 SUSTAINABILITY IMPLICATIONS

Social
Social connection within the community is an important aspect of becoming a more sustainable community, a point recognised by the Panel. It is important in that in existing behaviour change programs (sustainable transport, Sustainable Living at Home) depend on social connection, but it is also critical in the affecting social norms.

Economic
The Panel’s recommendation that there be a higher level of senior management support and greater coordination of resources will lead to more effective service delivery. It is not anticipated that savings will be delivered from the implementation plan but more will be achieved with what we have.

Environmental
Environmental sustainability is the key focus of the by the service review and the GMT endorsed implementation plan. With better coordination of organisational resources, more tangible results are expected in terms of Council’s role of promoting a more sustainable Port Phillip community. Impacts are those that encourage community to achieve improved environmental outcomes which affect such things as water consumption and quality, air quality, noise levels or waste disposal, improve our natural and built resources and places, improve transport conditions and encourage sustainable transport modes.

Cultural
The key findings and recommendations of the Panel reinforce Council’s commitment to fostering environmental values in both the community and the organisation.

7 RESOURCE IMPLICATIONS

7.1 There are no immediate resource implications of the Panel’s findings and recommendations, or the GMT endorsed implementation plan. The focus of the Panel’s recommendations was on the effectiveness of better coordinated service delivery. However, the Panel also recommended “that all program evaluations should include an assessment of program outcomes and a recommendation of their ongoing priority for consideration in CoPP budget process. These evaluations should also consider the potential to retain program delivery skills within the organisation”.

8 INTERNAL CONSULTATION

8.1 Internal members of the Panel were:

- Cr Johnstone
- Sally Calder, Executive Director Community and Cultural Vitality
- Jim Holdsworth, Manager Urban Design and Architecture
8.2 The Service Review Team consisted of
- David Yeouart, Executive Director Urban Services
- Rob Palmer, Manager Infrastructure and Environment
- Emily Chapple, Environmental Projects Officer
- Reid McNamara, Environmental Projects Officer

9 EXTERNAL CONSULTATION
External members of the Panel were:
- Ms Helen Davison (Chair)
- Dr Bryan Dumsday (Independent Expert)

10 IMPLEMENTATION
10.1 See attached GMT endorsed implementation plan.

11 CONCLUSION
11. The GMT endorsed implementation plan addresses the key findings and recommendations of the Sustainable Value Service Review for Environmental Programs. In particular, the issues of greater senior management support and coordination are addressed through regular reporting to GMT and coordination provided by the Manager, Infrastructure and Environment.

12 RECOMMENDATION
# STRATEGY AND POLICY REVIEW COMMITTEE
## 7 MARCH 2005
### GOVERNANCE AND COMPLIANCE

**A11**  
**AMENDMENT TO DISCONTINUANCE AND SALE OF ROADS POLICY**

**LOCATION/ADDRESS:**

**RESPONSIBLE EXECUTIVE DIRECTOR:** DAVID YEOUART, EXECUTIVE DIRECTOR, URBAN SERVICES

**AUTHOR:** ROBERT PALMER, MANAGER INFRASTRUCTURE AND ENVIRONMENT

**FILE NO.:**

**ATTACHMENTS:** AMENDED POLICY

---

## 1. KEY ISSUES

1.1. In investigating illegal occupation of a number of cases have come to light where the laneway has been occupied continuously and exclusively by an abutting property owner for 15 years or more. In such cases, the land has been adversely possessed. In such cases, the owner is usually unwilling to pay current market value for the land. There is no further action that Council can take.

## 2. CONTEXT

2.1. In the February cycle, Council considered discontinuance and sale of the laneway at the rear of 34 Kerferd Rd, Albert Park. The right of way has been enclosed in excess of 15 years. The applicant was aware of the fact that the land can be formally consolidated into their title on the basis of adverse possession and therefore did not accept the sale price of $10,500. The applicant did accept the sale price of $5,000.00, which approximates the costs associated with proceeding with an adverse possession claim. The fixed administration cost of $2,500.00 still applies.

2.2. In consideration of this issue in February, Council resolved that

2.2.1. Council commences statutory procedures to discontinue the Right of Way at the rear of 34 Kerferd Rd, Albert Park shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.

2.2.2. The current policy guidelines for the sale of laneways be reviewed to consider the best ways of addressing clear and unambiguous instances of adverse possession, to be brought to Council in the next cycle.
3. PROPOSAL

3.1. The proposal is that the “Discontinuance and Sale of Roads” policy be amended to allow for the sale of adversely possessed land at a nominal charge equivalent to the cost of pursuing adverse possession, plus the fixed administration fee of $2,500.

3.2. This allows council to adjust Register of Roads which has to be maintained under the Road Management Act and for there to be some compensation back to the community for the loss of public land.

4. OPTIONS

4.1. To continue the current policy process of offering the sale of Right of Way’s at current market value and using Local Laws enforcement procedures.

4.2. Amending the policy in unambiguous cases of adverse possession.

4.3. Introducing a sliding scale on the following basis:


   4.3.2. Probable adverse possession but ambiguous evidence – discounted to market value at 30 June 2000.

   4.3.3. Clearly adversely possessed – equivalent cost of adverse possession claim.

5. POLICY IMPLICATIONS

5.1. Council is being requested to adopt the amended laneway policy to ensure that every effort is made by Council to encourage the purchase of the parcels of land that have been lost to the community for a long period and are redundant to community use.

6. SUSTAINABILITY IMPLICATIONS

6.1. The proposed amendment to the policy has few sustainability implications. As the land in question, in these cases, has already been lost to the community, there are no further environmental, social, or cultural implications. The nominal amount charged, goes some way to acknowledging the loss of public land.

7. RESOURCE IMPLICATIONS

7.1. The current resources would be appropriate, as there are no further cost implications for the proposal. The administration, legal costs and GST would still apply as per the current Laneway policy fee structure. Considerable resources (staff time) will be saved by not pursuing current market value for land that can be adversely possessed.
8. **INTERNAL CONSULTATION**

8.1. Internal staff consulted as follows, no objections raised;

8.1.1. Laneway administration
8.1.2. Asset Management.
8.1.3. City Valuer

9. **EXTERNAL CONSULTATION**

9.1. The following other councils were consulted in consideration of this policy amendment. All offer a discount in cases of adverse possession; some have a sliding scale depending on the length of time occupied.

9.1.1. Darebin City Council
9.1.2. Bayside City Council
9.1.3. Booroondara City Council
9.1.4. Melbourne City Council

10. **IMPLEMENTATION**

10.1. Road discontinuation will be carried out as per Council Policy, together with special consideration to occupations of 15 years or longer, when preparing costing/pricing for the discontinuance of right of ways.

11. **CONCLUSION**

11.1. The recommendation is cost effective, provides the possibility for some compensation to the community for the for the loss of public land, where satisfactory evidence is provided and can be implemented quickly and efficiently.

12. **RECOMMENDATION**

12.1. It is recommended that;

12.1.1. That Council amend the Discontinuance and Sale of Roads Policy with the following additional clause:

> 'If the applicant can provide clear evidence that the laneway has been exclusively and continuously occupied for 15 years, the value of the land will be deemed to equivalent to the cost of pursuing an adverse possession claim'.
A12 PROPOSED DISCONTINUANCE OF A SECTION OF RIGHT OF WAY NO.514 AT THE REAR OF 166 NAPIER ST, SOUTH MELBOURNE

LOCATION/ADDRESS: REAR 166 NAPIER ST, SOUTH MELBOURNE

RESPONSIBLE EXECUTIVE DIRECTOR: DAVID YEOUART, EXECUTIVE DIRECTOR, URBAN SERVICES

AUTHOR: ROBERT PALMER, MANAGER INFRASTRUCTURE & ENVIRONMENT

FILE NO.: 34/14/514-01

ATTACHMENTS: SITE PLAN AND PHOTOGRAPH

1. KEY ISSUES

1.1. Council has received an application to discontinue the right of way at the rear of 166 Napier St, South Melbourne. This report commences the statutory process for discontinuance and sale.

2. CONTEXT

2.1. An application has been received from the owners of 166 Napier St, South Melbourne to purchase the Right of Way situated at the rear of 166 Napier St St, South Melbourne. The Right of Way measures approximately 12.6m².

2.2. This Right of Way is currently occupied by the applicant and has been enclosed by the owners for many years.

2.3. The applicant has accepted the sale price of the land of $24,834.60 including GST plus and administration cost of $2,750.00 including GST.

3. PROPOSAL

3.1. The proposal is to discontinue the Right of Way at the rear of 166 Napier St, South Melbourne and sell the land from the Right of Way to the owners of 166 Napier St, South Melbourne.
4. **OPTIONS**

4.1. **Sell the Right of Way**

The sale of the Right of Way is in compliance with Council’s policy of disused Right of Way and Council will receive a consideration of $23,940.00 plus an administration cost of $2,500.00 plus GST.

4.2. **Return the Right of Way to Public Access**

Reject the application to purchase and demand the owner re-open the Right of Way for public use. It should be noted that a fence encloses the Right of Way, which the applicant has occupied for many years. The abutting property owners do not have access from the right of way. The re-opening of the right of way will not provide any community benefit.

5. **POLICY IMPLICATIONS**

5.1. The discontinuance of the road is in accordance with the Council’s policy.

6. **SUSTAINABILITY IMPLICATIONS**

6.1. **Social**

The sale of this Right of Way is seen as due compensation to the community for the loss of public land. It is inequitable for property owners to derive private benefit from public land, without due compensation to the community.

6.2. **Economic Viability**

The income from the sale of the Right of Way is seen as due compensation to the community for the loss of public land.

6.3. There are no sustainability implications in terms of cultural vitality.

6.4. There are no sustainability implications in terms of environmental responsibility.

7. **RESOURCE IMPLICATIONS**

7.1. The cost for selling this Right of Way has been absorbed within current operational budgets and offset by the fixed administration fee of $2,500.00.

8. **EXTERNAL AND INTERNAL CONSULTATION**

8.1. External and internal consultation and advertising will be carried out prior to preparation of the final Council report to formally close the Right of Way.

9. **IMPLEMENTATION**

9.1. Road discontinuation will be carried out in accordance with the Council policy. The duration of the process depends on a variety of items, including the public consultation as per section 223 of the Local Government Act 1989.
10. CONCLUSION

10.1. The Right of Way, no longer offers any community benefit and;

10.2. That statutory procedures to discontinue the Right of Way at the rear of 166 Napier St, South Melbourne, should commence subject to the Council’s road discontinuance policy.

11. COMMUNICATION

11.1. Council will communicate with the public through a “Public Advertisement” in the local newspaper during the statutory process.

12. RECOMMENDATION

12.1. It is recommended that:-

12.1.1. Council commences statutory procedures to discontinue the Right of Way at the rear of 166 Napier St, South Melbourne, shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.
1. KEY ISSUES

1.1. Council has received an application to discontinue a section of the Right of Way at the rear of 6 Robe St, St Kilda. This report commences the statutory process for discontinuance and sale.

2. CONTEXT

2.1. An application has been received from the owners of 6 Robe St, St Kilda to purchase a section of Right of Way situated at the rear of 6 Robe St, St Kilda. The section of Right of Way measures approximately 6m².

2.2. The applicant has accepted the sale price of the land of $10,560.00 including GST plus administration cost of $2,750.00 including GST.

3. PROPOSAL

3.1. The proposal is to discontinue the section of Right of Way at the rear of 6 Robe St, St Kilda and sell the land from the Right of Way to the owners of 6 Robe st, St Kilda.

4. OPTIONS

4.1. Sell the Right of Way

The sale of the Right of Way is in compliance with Council’s policy of disused Right of Way and Council will receive a consideration of $10,560 plus an administration cost of $2,500.00 plus GST.

4.2. Return the Right of Way to Public Access

Reject the application to purchase a section of the Right of Way.
5. POLICY IMPLICATIONS

5.1. The discontinuance of the road is in accordance with the Council’s policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. Social
The sale of this section of Right of Way is seen as due compensation to the community for the loss of public land. It is inequitable for property owners to derive private benefit from public land, without due compensation to the community.

6.2. Economic Viability
The income from the sale of the section of Right of Way is seen as due compensation to the community for the loss of public land.

6.3. There are no sustainability implications in terms of cultural vitality.

6.4. There are no sustainability implications in terms of environmental responsibility.

7. RESOURCE IMPLICATIONS

7.1. The cost for selling this section of Right of Way has been absorbed within current operational budgets and offset by the fixed administration fee of $2,500.00.

8. EXTERNAL AND INTERNAL CONSULTATION

8.1. External and internal consultation and advertising will be carried out prior to preparation of the final Council report to formally close the section of Right of Way. Abutting property owners have been consulted and consent given.

9. IMPLEMENTATION

9.1. Road discontinuation will be carried out in accordance with the Council policy. The duration of the process depends on a variety of items, including the public consultation as per section 223 of the Local Government Act 1989.

10. CONCLUSION

10.1. The section of Right of Way, no longer offers any community benefit and;

10.2. That statutory procedures to discontinue the section of Right of Way at the rear of 6 Robe St, St Kilda, should commence subject to the Council’s road discontinuance policy.

11. COMMUNICATION

11.1. Council will communicate with the public through a “Public Advertisement” in the local newspaper during the statutory process.
12. RECOMMENDATION

12.1. It is recommended that:-

12.1.1. Council commences statutory procedures to discontinue the section of Right of Way at the rear of 6 Robe St, St Kilda, shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.
A14 PROPOSED DISCONTINUANCE OF RIGHT OF WAY AT THE REAR OF 145 GRAHAM ST AND ADJACENT TO 147 GRAHAM ST, PORT MELBOURNE

LOCATION/ADDRESS: REAR 145 GRAHAM ST AND ADJACENT TO 147 GRAHAM ST, PORT MELBOURNE

RESPONSIBLE EXECUTIVE DIRECTOR: DAVID YEQUART, EXECUTIVE DIRECTOR, URBAN SERVICES

AUTHOR: ROBERT PALMER, MANAGER INFRASTRUCTURE AND ENVIRONMENT

FILE NO.: 2345/145-01 & 2345/147

ATTACHMENTS: SITE PLAN & PHOTOGRAPH

1. KEY ISSUES

1.1. Council has received an application to discontinue a Right of Way at the rear of 145 Graham St and adjacent to 147 Graham St, Port Melbourne. This report commences the statutory process for discontinuance and sale.

1.2. The land in question has been continuously and exclusively occupied for a period in excess of 15 years. It is therefore subject to a claim of adverse possession.

2. CONTEXT

2.1. An application has been received from the owners of 145 & 147 Graham St, Port Melbourne to purchase the Right of Way situated at the rear of 145 Graham St, Port Melbourne. The Right of Way measures approximately 84.18m² as shown on the attached plan.

2.2. The right of way has been enclosed in excess of 15 years. The applicants are aware of the fact that the land can be formally consolidated into the title of 145 & 147 Graham St, Port Melbourne on the basis of adverse possession and therefore, the applicants accept the sale price of $10,000, ($5,000 each) which approximates the costs associated with proceedings with an adverse possession claim. The fixed administration costs of $2,500 still applies.

3. PROPOSAL

3.1. The proposal is to discontinue a section of Right of Way at the rear of 145 Graham St, Port Melbourne and sell the land from the Right of Way to the owners of 145 & 147 Graham St, Port Melbourne.

3.2. Because of the status of the land in question, the sale price to be reduced from current market value.
4. OPTIONS

4.1. Sell the Right of Way below current market value
The discontinuance of the Right of Way is in compliance with the Council’s policy of disused Right of Way. The sale price, however, a consideration of $10,000.00 plus and administration cost of $2,750.00 including GST.

4.2. Sell the Right of Way at current market value
Council may choose not to make an exception in this case and only sell the land for current market value. In this case the land will be adversely possessed, with Council receiving nothing for the land.

4.3. Return the Right of Way to Public Access
Reject the application to purchase and demand the owners re-open the Right of Way for public use. It should be noted that a gate encloses the section of Right of Way, which the applicants claims to have occupied for in excess of 15 years. The applicants had intended to adversely possess the right of way. The abutting property owners do not have access from the right of way. The re-opening of the right of way will not provide any community benefit.

5. POLICY IMPLICATIONS

5.1. The discontinuance of the road is in accordance with the Council’s policy. The sale of the land for less than market value is a variation of the policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. Social Equity
The sale of this Right of Way is seen as due compensation to the community for the loss of public land. It is inequitable for property owners to derive private benefit from public land, without due compensation to the community.

6.2. Economic Viability
The income from the sale of the Right of Way is seen as due compensation to the community for the loss of public land.

6.3. There are no sustainability implications in terms of cultural vitality.

6.4. There are no sustainability implications in terms of environmental responsibility.

7. RESOURCE IMPLICATIONS

7.1. The cost for selling this Right of Way has been absorbed within current operational budgets and offset by the fixed administration fee of $2,500.00.
8. **EXTERNAL AND INTERNAL CONSULTATION**

8.1. External and internal consultation and advertising will be carried out prior to preparation of the final Council report to formally close the Right of Way.

9. **IMPLEMENTATION**

9.1. Road discontinuation will be carried out in accordance with Council policy. The duration of the process depends on a variety of items, including the public consultation as per section 223 of the Local Government Act 1989.

10. **CONCLUSION**

10.1. The Right of Way, no longer offers any community benefit and;

10.2. that statutory procedures to discontinue the Right of Way at the rear of 145 Graham St, Port Melbourne, should commence subject to the Council’s road discontinuance policy, with the exception of the sale price being less than current market value.

10.3. Where there is clear cut evidence of adverse possession, the current policy guidelines appear inadequate.

11. **COMMUNICATION**

11.1. Council will communicate with the public through a “Public Advertisement” in the local newspaper during the statutory process.

12. **RECOMMENDATION**

12.1. It is recommended that:-

12.1.1. Council commences statutory procedures to discontinue the Right of Way at the rear of 145 Graham St, Port Melbourne shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.
1. **KEY ISSUES**

1.1. Council has received an application to discontinue a section of Right of Way rear of 37 and 51-59 Thistlethwaite St, South Melbourne. This report commences the statutory process for discontinuance and sale.

2. **CONTEXT**

2.1. An application has been received from the owners of 484 City Rd, South Melbourne to purchase a section of the Right of Way situated at the rear of 37 and 51-59 Thistlethwaite St, South Melbourne. The section of Right of Way measures approximately 108m² as shown on the attached plan.

2.2. This Right of Way is currently occupied by the applicant and has been enclosed by the owners for many years.

2.3. The applicant has accepted the sale price of the land of $130,050.00, plus an administration cost of $2,750.00 including GST.

3. **PROPOSAL**

3.1. The proposal is to discontinue a section of Right of Way at the rear of 37 and 51-59 Thistlethwaite St, South Melbourne and sell the land from the Right of Way to the owners of 484 City Rd, South Melbourne.
4. OPTIONS

4.1. Sell the Right of Way

The sale of the Right of Way is in compliance with the Council’s policy of disused Right of Way and council will receive a consideration of $130,050.00 plus and administration cost of $2,750.00 including GST.

4.2. Return the Right of Way to Public Access

Reject the application to purchase and demand the owner re-open the Right of Way for public use. It should be noted that a gate encloses the section of Right of Way, which the applicant claims has been occupied for over 30 years. The abutting property owners do not have access from the right of way. The re-opening of the right of way will not provide any community benefit.

5. POLICY IMPLICATIONS

5.1. The discontinuance of the road is in accordance with the Council’s policy.

6. SUSTAINABILITY IMPLICATIONS

6.1. Social Equity

The sale of this Right of Way is seen as due compensation to the community for the loss of public land. It is inequitable for property owners to derive private benefit from public land, without due compensation to the community.

6.2. Economic Viability

The income from the sale of the Right of Way is seen as due compensation to the community for the loss of public land.

6.3. There are no sustainability implications in terms of cultural vitality.

6.4. There are no sustainability implications in terms of environmental responsibility.

7. RESOURCE IMPLICATIONS

7.1. The cost for selling this Right of Way has been absorbed within current operational budgets and offset by the fixed administration fee of $2,500.00.

8. INTERNAL AND EXTERNAL CONSULTATION

8.1. Internal and External consultation and advertising will be carried out prior to preparation of the final Council report to formally close the Right of Way.
9. IMPLEMENTATION

9.1. Road discontinuation will be carried out in accordance with Council policy. The duration of the process depends on a variety of items, including the public consultation as per section 223 of the Local Government Act 1989.

10. CONCLUSION

10.1. The Right of Way, no longer offers any community benefit and;

10.2. that statutory procedures to discontinue a section of the Right of Way rear of 37 and 51-59 Thistlethwaite St, South Melbourne, should commence subject to the Council’s road discontinuance policy.

11. COMMUNICATION

11.1. Council will communicate with the public through a “Public Advertisement” in the local newspaper during the statutory process.

12. RECOMMENDATION

12.1. It is recommended that:-

12.1.1. Council commences statutory procedures to discontinue a section of the Right of Way rear of 37 and 51-59 Thistlethwaite Street, South Melbourne shown hatched on the attached plan in accordance with Clause 3 of Schedule 10, of the Local Government Act 1989.