



8.10	ROAD MANAGEMENT PLAN REVIEW
WARD:	WHOLE OF MUNICIPALITY
GENERAL MANAGER:	CHRIS CARROLL, ORGANISATIONAL PERFORMANCE
PREPARED BY:	MARK THOMPSON, COORDINATOR ENTERPRISE ASSET MANAGEMENT
TRIM FILE NO:	78/20/08
ATTACHMENTS:	1. City of Port Phillip Road Management Plan 2017 2. City of Port Phillip - Road Management Plan Review

PURPOSE

To obtain Council endorsement of the Road Management Plan (Version 4) dated June 2017. Each incoming municipal Council must review its Roads Management Plan during the same period as it is preparing its Council Plan under the Local Government Act, 1989.

1. RECOMMENDATION

That Council:

- 1.1 Notes the outcomes of the review of the Road Management Plan and adopts the new Road Management Plan (Version 4) (attachment 1) dated June 2017.

2. BACKGROUND

- 2.1 Council is committed to ensuring that the community is provided with a safe and efficient road and footpath network for use by all members of the public. The City of Port Phillip Road Management Plan (RMP) has been developed in accordance with the Road Management Act 2004 (RMA) and the Road Management (General) Regulations 2016. It defines which public roads will be inspected, maintained and repaired and sets the standards and levels of service for the management of road assets within the road reserve.
- 2.2 The RMA and the Regulations impose a statutory obligation on Council to undertake a review of its RMP within 6 months after each general election or by the next 30 June, whichever is later. This review aligns with the requirement of the Local Government Act 1989 to also prepare a Council Plan within the same time frame.
- 2.3 The existing Road Management Plan (Version 3), which was adopted by Council on 26 November 2013, has been reviewed and minor amendments have been included into the new document RMP (Version 4) (Attachment 1). This document has been independently reviewed and assessed by Macquarie Local Government Lawyers.



3. KEY INFORMATION

- 3.1 The Macquarie Local Government Lawyers in their Road Management Plan Review dated June 2017 (Attachment 2) reported that the existing RMP (Version 3) is suitable from a legal risk management and public liability perspective and is suitable for adoption by Council in accordance with the relevant provisions and requirements of the RMA and the regulations.
- 3.2 The Macquarie review report suggested a number of minor amendments to the existing RMP (Version 3), which have all been included in the RMP (Version 4) recommended to Council for adoption.
- 3.3 The recommended changes address the decision of the Court of Appeal of the Supreme Court of Victoria in *Kennedy v Shire of Campaspe*³ (and other, subsequent, legal decisions which have considered the scope and purpose of the RMA)
- 3.4 The amendments to the Plan are in a manner that does not require a notice to be given under regulation 10.
- 3.5 The Road Management Plan (Version 4) dated June 2017 will be made available on Council internet site and will be advertised in the Government Gazette and the Age newspaper in accordance with Regulation 9 of the Road Management (general) regulations 2016.
- 3.6 This review has not included any changes to the current standard of construction, inspection, maintenance or repair of the road assets. Any substantive changes that are identified through the Asset Management Transformation Program will be incorporated in the next review of the RMP to ensure Council road network is operating efficiently and effectively and meeting community expectation and needs.
- 3.7 The Road Management Plan will be a key consideration if any amendments to current services standards are proposed.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The Review of the Road Management Plan aligns to Council Plan through Direction 6 “Our commitment to you”. The Road Management Plan supports “Transparent governance and an actively engaged community”.
- 4.2 There is also a strong connection to Direction 2 “We are connected and it’s easy to move around”. As the planning to fulfil the deliverables of the Council Plan matures, the Road Management Plan, along with Councils Asset Management Plans will be reviewed and aligned to ensure the desired outcomes are met.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Consultation has been conducted with key internal stakeholders. The relevant changes are minor and do not require notice to be given Under Section 10 of the regulations.
- 5.2 Internal consultation has included staff from Asset Management, Infrastructure Maintenance and Sustainable Transport. A review of the Civil Infrastructure Maintenance Contract (CIM) was run in parallel with the RMP review to provide consistency of standards and terminology.
- 5.3 A written report summarising the findings and conclusions of the review will be made available on Councils website on 23 June 2017 in accordance with Section 9 of the Regulations.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 By undertaking this review, Council meets its statutory obligations under the Local Government Act (1989) and the Road Management Act (2004).
- 6.2 Compliance with the RMP limits Council’s public liability to legal action from claims for damages for incidents attributable to the use of these assets. A sound Road Management Plan provides a reasonable level of policy defence. This ensures Council is not liable for an act or omission, which has been undertaken in accordance with an approved policy of the municipality (provided it does not constitute a wrongful act or failure to act). The policy defence is limited to the extent that it must not be so unreasonable that no municipal council in that position acting reasonably could have made that policy.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL, SOCIAL, CULTURAL & ECONOMIC IMPLICATIONS

The minor amendments to the RMP does not have either positive or negative on environmental, social or cultural implications for Councils current service levels.

7.2 FINANCIAL IMPLICATIONS

The review of the Road Management Plan is part of Council’s normal operations and there is no impact on budget.



8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 29 May 2017 Preparation of advertising in accordance with Section 9 (4) of the Regulations
- 8.1.2 31 May 2017 Review report made available on Councils Website.
- 8.1.3 21 June, 2017 Council Report for adoption of the Road Management Plan (Version 4).
- 8.1.4 23 June 2017 Adopted Plan to be made available on Council website.

8.2 COMMUNICATION

- 8.2.1 The Road Management Plan and accompanying review report will be made available for copying or inspection at the St Kilda Town Hall and published on Council's website.
- 8.2.2 A Public Notice of Council's intention to adopt a new Road Management Plan will be published in the Government Gazette, the Age newspaper and on Council's website.
- 8.2.3 The Road Management Plan is available on Council website for the community to access at any time.
- 8.2.4 Internal stakeholders have access to the document through Councils intranet site

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.