



7.1 Joint Letter Response - Restrict public access to Lane R2243, Princes Street Port Melbourne

A Joint Letter containing six signatures, was received from local residents and was presented to a Council meeting on 2 August 2023.

The Joint Letter states the following: -

Dear City of Port Phillip Council members,

We are writing to bring to your attention a matter of increasing concern that affects the residents of Princes Street and Station Street, Port Melbourne. Our request is regarding the installation of a gate at the entrance of the lane adjoining our properties.

We have been advised the current cost of purchasing the lane from the council is \$245,070 plus GST. This is far too expensive for something that none of the residents adjacent to the lane are interested in developing or building on. All the existing utilities and services are located there as well and it is also a dead-end lane that terminates at the gate used solely by one resident.

As long-term residents living adjacent to the lane for up to nearly 60 years, we have witnessed an increase in incidents that unfortunately necessitate this letter and the implementation of additional security and safety measures.

The dead-end lane, which is exclusively used by the undersigned residents and their families to store their bins, has unfortunately become a hotspot for undesirable activities such as the illegal dumping of rubbish, drug use, and public urination.

These activities not only pose a threat to the safety and well-being of our families but also create an unsightly and unsanitary environment. Immediate action must be taken to address these issues and ensure the lane remains a safe and clean space for all neighbouring residents to utilise as needed.

To improve our safety and security, we have already taken independent measures such as installing movement-activated lights on our residences, to light up the lane due to poor visibility at night, and security cameras around the perimeter, including the wall that runs along the lane. These actions were necessary in response to the rising incidents of verbal abuse, vandalism, and threats being directed at us. But they are no longer adequate.

Furthermore, we feel it is important to highlight the vulnerable position of an elderly resident who regularly uses the lane to access the rear of their property. They have been the target of some of the verbal abuse mentioned earlier. As a cherished member of the neighbourhood their safety and well-being are of utmost importance to us. Restricting public access to the lane will contribute significantly to their peace of mind and allow them to continue using the lane to access her property without fears of distress, which we strongly believe is her right.

Our primary motivation behind this request is to ensure the safety of the residents of the neighbouring properties. By erecting a communal gate, we aim to prevent unauthorised individuals from accessing the lane and engaging in these unlawful activities. We believe that this proactive step will help maintain the cleanliness and integrity of the lane and surrounding area, thereby preserving the quality of life for all residents concerned.

The residents that use the lane, take pride in maintaining and cleaning the lane regularly. However, without proper restrictions on public access, our efforts are often undermined by individuals who are not invested in the local area and community.

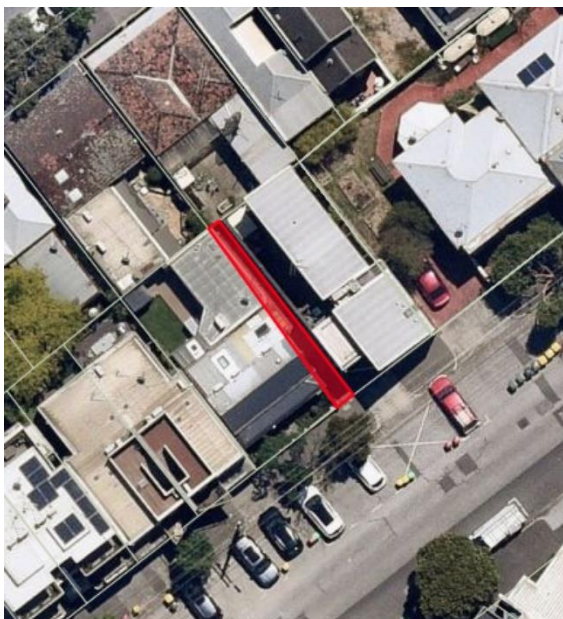
We kindly request your consideration and support in installing a gate at the entrance of the lane. Such an addition would provide all the adjacent residents with a sense of security, reduce incidents of illegal activities, and safely maintain the lane's original intended purpose. Which was to provide access to the rear of the property for elderly resident.

We understand that the local council plays a crucial role in ensuring the safety and welfare of the community. Therefore, we would appreciate it if you could assess the feasibility of our request and help us in addressing the concerns raised.

Thank you for your attention to this matter. We eagerly await your response and hope for a positive outcome that assists us in keeping our families safe.

OFFICER COMMENT

The laneway is a Road that is approximately 24 square metres in total area, running alongside 197 and 199 Princes Street, Port Melbourne and abutting the rear of 55 Station Street, Port Melbourne. The Road, known as R2243, is listed on Council's Register of Public Roads and shown on the images below shaded red:



In accordance with Council's Road Discontinuance and Sale of Roads Policy (Version 2.1 March 2022), Council may support the discontinuance of a Road for reasons including:

- The road is not required for general public use.
- It may result in amenity improvements particularly where the land becomes a haven for anti-social behaviour or a place to dump rubbish.

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- It may result in a safer and more secure neighbourhood by reducing access points to properties.
- The road is not required for access to other premises.

At the Ordinary Meeting of Council on 2 August 2023, Council received and noted the Joint Letter and committed to provide a response to a future Council meeting. Officers have considered the request made in the Joint Letter and reviewed all available options. It is deemed that the Road is no longer reasonably required for general public use as it:

- Is fully enclosed on the side and rear boundaries by adjoining properties and is only accessible onto Princes Street;
- Is only used for pedestrian access to the rear of the adjoining property at 55 Station Street, Port Melbourne; and
- Does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road.

Officers propose that Council undertakes a process to consider removing the Road from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report, and that subject to this, Council commences the statutory procedures to discontinue the Road. This process could commence in December 2023.

If the proposed Road discontinuance was successful, the land would vest in Council and Officers would negotiate an agreement in respect to how the land would be managed with the adjoining landowners. It is envisaged an agreement could be entered into by the end of FY24. This would likely take the form of a lease or licence enabling the owners to restrict access through the installation of a gate or similar structure. It is important to note that Council would require access to this space ongoing and as such, a requirement of any agreement would be for Council to have access for maintenance of infrastructure.

RECOMMENDATION

That Council:

1. Acting under section 17(4) of the *Road Management Act 2004 (Vic)*, resolves that the road known as R2243 (Road), adjoining 197 and 199 Princes Street, Port Melbourne and 55 Station Street, Port Melbourne be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in the report;
2. Acting under clause 3 of Schedule 10 of the *Local Government Act 1989 (Vic) (Act)*:
 - 2.1. Resolves that the statutory procedures be commenced to discontinue the Road;
 - 2.2. Directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in The Age newspaper;
 - 2.3. Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to enter into an agreement with the adjoining land owners;

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- 2.4. Authorises the Chief Executive Officer, or their delegate, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
- 2.5. Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a Council meeting to be determined later.

ATTACHMENTS

Nil