



MINUTES OF THE HEARING OF SUBMISSIONS COMMITTEE MEETING

MONDAY, 25 AUGUST 2014

Table of Contents

| Item Number | | Page Number |
|----------------|--|----------------|
| 1. | PRESENT | 1 |
| 2. | APOLOGIES | 1 |
| 3. | DISCLOSURES OF CONFLICTS OF INTEREST | 1 |
| 4. | CONFIRMATION OF THE MINUTES OF THE PREVIOUS HEARING OF SUBMISSIONS COMMITTEE MEETING | 2 |
| 5. | CONSIDERATION OF REPORTS..... | 3 |
| 5.1 | PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE REAR 80A OAKOVER ROAD AND 2 DUDLEY STREET, PRESTON..... | 3 |
| 6. | CLOSE OF MEETING | 7 |

**MINUTES OF THE MEETING OF THE HEARING OF SUBMISSIONS
COMMITTEE OF THE DAREBIN CITY COUNCIL
HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 25 AUGUST 2014**

THE MEETING OPENED AT 7.16 PM

1. PRESENT

Councillors

Cr Gaetano Greco (Mayor) (Chairperson)
Cr Vince Fontana
Cr Tim Laurence
Cr Bo Li
Cr Trent McCarthy
Cr Steven Tsitas
Cr Angela Villella
Cr Oliver Walsh
Cr Julie Williams (Deputy Mayor)

Council Officers

Rasiah Dev – Chief Executive
Steve Hamilton – Director Assets and Business Services
Jacinta Stevens – Manager Corporate Governance and Performance
Jennifer Paterson – Property Manager
Katia Croce – Coordinator Council Business

2. APOLOGIES

Nil

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS HEARING OF SUBMISSIONS COMMITTEE MEETING

| |
|---------------------------|
| COMMITTEE DECISION |
|---------------------------|

MOVED: Cr. J. Williams
SECONDED: Cr. O. Walsh

THAT the Minutes of the Hearing of Submissions Committee meeting held on 11 June 2014 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 PROPOSED RIGHT-OF-WAY (ROAD) DISCONTINUANCE REAR 80A OAKOVER ROAD AND 2 DUDLEY STREET, PRESTON

AUTHOR: Manager Assets and Property

REVIEWED BY: Director Assets and Business Services

SUMMARY

At its meeting on 22 April 2014, Council resolved to:

- (1) *commence the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 ("the Act") to discontinue the road at the rear of 80A Oakover Road and 2 Dudley Street, shown on **Appendix A**; and*
- (2) *give public notice under Sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council's website and such notice state that if discontinued, Council proposes to sell the land from the road.*

Those persons wishing to make a submission in relation to the proposed discontinuance and sale of the Road were invited to do so by 26 June 2014 with any person requesting to be heard in support of their written submission to be heard by Council's Hearing of Submissions Committee on 25 August 2014.

One submission has been received regarding the proposal and the submitter has requested to be heard in support of their submission.

CONSULTATION

- Maddocks Lawyers
- Owners of adjoining properties
- Statutory Authorities
- Council Departments

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|

THAT a further report be made to Council appraising the written submission received and verbal presentation heard by the Committee in respect of the proposed discontinuance and sale of right of way (road) at the rear of 80A Oakover Road and 2 Dudley Street Preston.

REPORT**INTRODUCTION AND BACKGROUND**

Council received an application from the owner of 2 Dudley Street, Preston, for the discontinuance and sale of right of way at the rear of 80A Oakover Road and 2 Dudley Street, Preston as shown hatched on the plan attached at **Appendices A and B** (the Road).

At its Ordinary meeting of 22 April 2014, Council authorised the commencement of the statutory procedures to formally discontinue and sell the Road.

Public notice of the proposed discontinuance and sale was given in the Preston and Northcote Leader on 27 and 28 May 2014 (**Appendix C**). Owners and occupiers of adjoining properties were notified in writing.

Those persons wishing to make a submission in relation to the proposed discontinuance and sale of the Road were invited to do so by 26 June 2014 with any person requesting to be heard in support of their written submission to be heard by Council's Hearing of Submissions Committee on 25 August 2014.

ISSUES AND DISCUSSION

One submission has been received:

- Gary and Athanasia Youdell are seeking permission to make application for purchase of the Road

A copy of the submissions has been circulated separately to Councillors for their information.

Hearing of Submissions

Mr Youdell has requested to be heard in support of his written submission and has been advised of the time, date and place of this meeting of Council's Hearing of Submissions Committee.

Consideration of Submissions

In accordance with sections 129 and 223 of the Local Government Act 1989, the Council is required to take into consideration all submissions received in relation to the proposed discontinuance and sale of the Road and after it has made a decision, notify all persons who have made a submission of the decision and the reasons for the decision.

POLICY IMPLICATIONS**Environmental Sustainability**

There are no factors in this report which would impact upon environmental sustainability.

Human Rights, Equity and Inclusion

Consultation has been undertaken in accordance with the *Local Government Act 1989*. Letters have been provided to all adjoining property owners and public notices were placed in the Preston and Northcote Leaders advising of the proposal and providing opportunity to make formal submissions to Council regarding the proposed discontinuance and sale of the Road.

Economic Development

There are no factors in this report which would impact upon economic development.

Other

This report has been prepared having regard to Council's Right of Way and Road Closure Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

The cost of the placing the public notice has been managed within existing budgets.

FUTURE ACTIONS

An appraisal of the written submission received and any verbal presentation made will be included in a subsequent report to Council.

Persons who made a submission will be notified in writing of Council's decision and the reasons for it.

DISCLOSURE OF INTERESTS

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

RELATED DOCUMENTS

- **Appendix A** title plan showing section of road proposed to be discontinued and sold
- **Appendix B** being an overall plan of the area
- **Appendix C** Public Advertisement in Preston and Northcote Leader on 27 and 28 May 2014
- Council Minutes 22 April 2014
- Council's Right-of-Way and Road Closure Policy
- *Local Government Act 1989*
- *Road Management Act 2004*

PRESENTATION

At the invitation of the Chairperson, Cr. Greco, the following person spoke in support of their written submission.

(1) Mr Gary Youdell

Mr Youdell spoke to the written submission dated 22 June 2014 whereby he sought permission to make application for purchase of the right of way at the rear of 80A Oakover Road and adjacent to Dudley Street, Preston (Road).

Points made during his presentation included:

- He has owned the property at 82 Oakover Road Preston since 1978
- He already owns part of the right of way which was previously discontinued and transferred by Council
- 82 Oakover Road does not have front vehicle access
- His vehicles including his son who is a tradesman, are currently parked in Oakover Road and trailer padlocked to a tree in Oakover Road
- His vehicles are currently subjected to vandalism including break ins and scoring with keys
- 2 Dudley Street has front and rear access however does not park their vehicle within their property
- He believes that the owner of 2 Dudley Street intends to build a permanent structure over the Road
- Yarra Valley Water has advised that it has a sewer in the Road and it cannot be built across
- Looking to utilise the Road for the purpose of providing off road parking and is not looking to build a permanent structure over the Road

At the conclusion of the presentation, the Chairperson, Cr. Greco, thanked the presenter for addressing the Committee in support of his written submissions.

COMMITTEE DECISION

MOVED: Cr. T. McCarthy
SECONDED: Cr. V. Fontana

THAT a further report be made to Council appraising the written submission received and verbal presentation heard by the Committee in respect of the proposed discontinuance and sale of right of way (road) at the rear of 80A Oakover Road and 2 Dudley Street Preston.

CARRIED

| | | | | | |
|--|--------------------------------------|---|--|--|---------------|
| | TITLE PLAN | | LR USE ONLY EDITION | PLAN NUMBER TP950278P | |
| LOCATION OF LAND PARISH JIKA JIKA TOWNSHIP - SECTION - CROWN ALLOTMENT - CROWN PORTION 139 (PART) LAST PLAN REFERENCE LP11165 DEPTH LIMITATION DOES NOT APPLY PARENT TITLE REFERENCE VOL 3955 FOL 812 MGA CO-ORDINATES E 322 724 ZONE 55 (APPROX. CENTRE OF LAND IN PLAN) N 5 820 220 | | | WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION. NOTATIONS THIS PLAN IS NOT BASED ON SURVEY. | | |
| EASEMENT INFORMATION | | | | | |
| LEGEND A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD) | | | THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY FOR TITLE DIAGRAM PURPOSES. CHECKED BY DATE / / ASSISTANT REGISTRAR OF TITLES | | |
| EASEMENT REFERENCE | PURPOSE | WIDTH (METRES) | | | ORIGIN |
| E-1 | AS PROVIDED FOR IN SEC.207C LGA 1989 | SEE DIAGRAM | SEC.207C LGA 1989 | YARRA VALLEY WATER | |
| | | | | | |
| SCALE 1 100 LENGTHS ARE IN METRES | | LICENSED SURVEYOR DAVID JOHN MONAHAN | | FILE NO : LGD | |
| BARKER MONAHAN 4/26, 805 394 865 SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 501 OLNEY ROAD, PRESTON 3072 P.O. BOX 2546 REIBT VIC 3072 TELEPHONE 9478 6133 FAX 9470 5189 EMAIL survey@barkermonahan.com.au | | SIGNATURE DATE / / | | DEALING CODE : LGA | |
| | | REF. 13243 VERSION 01 COMPUTER FILE: 3243TP.DWG DATE: 21/10/2018 | | SHEET 1 OF 1 SHEET ORIGINAL SHEET SIZE A3 | |





PROPOSED ROAD DISCONTINUANCE

Darebin City Council (Council), acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act), proposes to discontinue the road abutting 2 Dudley Street and 80A Oakover Road, Preston, shown hatched on the plan below, being the whole of the land contained in certificate of title volume 3955 folio 812 (Road), and sell the Road to the adjoining owner by private treaty.

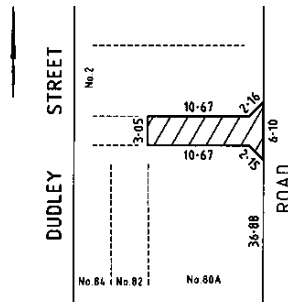
In accordance with section 223 of the Act, any person wishing to make a submission must do so in writing by no later than **26 June 2014**.

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

All submissions will be considered in accordance with section 223 of the Act.

Following consideration of any submissions Council may resolve to discontinue the Road, part of the Road, or not discontinue the Road and sell the land from that Road or retain the land

Enquiries to: Assets and Properties, Darebin City Council on 8470 8213.



OAKOVER ROAD

Submissions quoting reference No fA252016 should be addressed to the Chief Executive, Darebin City Council, PO Box 91, Preston 3072, or delivered to the Municipal Offices, 274 Gower Street, Preston.

Rasihah Dev
Chief Executive

6. CLOSE OF MEETING

The meeting closed at 7.31 pm.