

**ORDINARY MEETING OF COUNCIL  
23 JUNE 2008**

**SUPPLEMENTARY**

<b>A15</b>	<b>REVISED SECTION OF PROPOSED DISCONTINUANCE AND SALE OF RIGHT OF WAY NO R2419 REAR 124 HEATH ST, PORT MELBOURNE.</b>
<b>LOCATION/ADDRESS:</b>	<b>REAR 124 HEATH ST, PORT MELBOURNE</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION SYSTEMS &amp; SUPPORT</b>
<b>AUTHOR:</b>	<b>TOULA KOTSABOUKIS, PROPERTY ADVISOR, PROPERTY &amp; VALUATIONS</b>
<b>FILE NO.:</b>	<b>2540/124-01</b>
<b>ATTACHMENTS:</b>	<b>SITE PLAN &amp; PHOTOGRAPH</b>

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**1. EXECUTIVE SUMMARY**

- 1.1. This report is to finalise the discontinuance matter concerning Right of Way No. R2419 rear 124 Heath St, Port Melbourne. Having investigated the submissions made by residents of Raglan St in detail, it is now proposed that the discontinuance and sale only apply to the enclosed and occupied land at the rear of 124 Heath St and not the unenclosed strip along the side boundary.

**2. BACKGROUND AND CONTEXT**

- 2.1. When this matter was first investigated it was proposed to discontinue a section of road at the rear of 124 Heath St which is enclosed by buildings and occupied by the owners of 124 Heath St, Port Melbourne.
- 2.2. In negotiations, the owners of 124 Heath St proposed to purchase the road at the rear and a strip of unenclosed road along the south western boundary of the property. This is the proposal which was advertised and the subject of the report to Council's Strategy and Policy Review Committee meeting on 2<sup>nd</sup> June 2008. At this meeting the committee heard from the owners of 82 Raglan Street who are opposed to the discontinuance and sale of the unenclosed section of road. In the week following the meeting there was a walk through with the owners of 82 Raglan Street.
- 2.3. Now that the submissions have been received and heard Council can take those submissions into consideration and make a decision to finalise the statutory process for road discontinuance and sale of the land.

**3. SUPPLEMENTARY INFORMATION**

- 3.1. Road discontinuance and sale of the occupied land at the rear of 124 Heath St, Port Melbourne, is not in dispute. Submissions relate to the Right of Way between the rear of Raglan St properties and the side boundary of 124 Heath Street.
- 3.2. The total width of the Right of Way between the rear boundaries of 82 Raglan Street and the side boundary of 124 Heath Street is approximately 2.04metres. On maps the Right of Way is divided longitudinally into 2 strips as follows;
  - 3.2.1. A strip abutting the rear of the Raglan Street properties (1.226m approx) which is a blue stone drain, and
  - 3.2.2. A strip abutting 124 Heath Street (0.814m approx) constructed in asphalt. This is the section which was included within the advertised proposal.
- 3.3. Along the rear boundary of the Raglan Street properties there is a high brick wall with standard door openings.
- 3.4. The substance of the submissions, is that if the 0.814 metre wide strip is incorporated into the 124 Heath Street property it will leave a narrow land which;
  - 3.4.1. Has an uneven surface which is unsafe for pedestrians,
  - 3.4.2. Would be too narrow to enable Raglan Street residents to manoeuver shopping carts, bikes and rubbish bins through their doorways, and
  - 3.4.3. Would leave a pokey public space which could become a haven for undesirable behaviour.
- 3.5. While the original proposal ensures that access for the Raglan Street residents is retained, the quality of the access is diminished. The nature of resident objection is such, that it is recommended that Council does not proceed with road discontinuance and sale of the unenclosed section of the Right of Way.
- 3.6. If approved, Council has been advised by the solicitors for the owner of 124 Heath Street that they expect the owners will proceed with the purchase of the enclosed section at the same price in accordance with the policy for sale where there is possessory right.

**4. RECOMMENDATION**

That Council receive the supplementary report and resolve:

- 4.1. That the statutory procedure be finalised and the section of Right of Way at the rear of 124 Heath St, Port Melbourne, be discontinued and the land sold to the abutting property owner.