



8.5	PROPOSED DISCONTINUANCE AND SALE OF ROAD PART R2975 BETWEEN 17 COVENTRY PLACE AND 378 COVENTRY STREET, SOUTH MELBOURNE
WARD:	GATEWAY
GENERAL MANAGER:	CHRIS CARROLL, ORGANISATIONAL PERFORMANCE
PREPARED BY:	LYANN SERRANO, PROPERTY ADVISOR
TRIM FILE NO:	78/11/2975
ATTACHMENTS:	1. Title Plan 2. Site Images 3. Advertised Planning Application Plans for 376 Coventry Street

PURPOSE

The purpose of this report is to advise Council that public notification has been undertaken as part of the statutory process, and to present a summary of the written submission to Council for consideration.

I. RECOMMENDATION

That Council:

- 1.1 Hears and considers the written submission made under section 223 of the Local Government Act 1989 with respect to the proposed discontinuance and sale of road between 17 Coventry Place and 378 Coventry Street, South Melbourne, part R2975 (Road).
- 1.2 Directs that Council officers prepare a further report at a forthcoming Council meeting on 16 August 2017 to enable a final decision to be made as to whether the Road should be discontinued and the land sold.

2. BACKGROUND

- 2.1 Council at its Ordinary Meeting on 15 February 2017, resolved that statutory procedures be commenced pursuant to the Local Government Act 1989 to discontinue and sell the road between 17 Coventry Place and 378 Coventry Street, South Melbourne, part R2975 (Road).
- 2.2 This resolution was made in response to a request from the property owners at 17 Coventry Place and 378 Coventry Street, South Melbourne requesting that Council sell the Road to them.
- 2.3 The application to purchase the Road is based on the property owners' desire to increase their private open space.



- 2.4 The area of the Road proposed by the property owners to be sold to them are indicated on the title plan 954315P showing the subject Road being lots 1 and 2 in Attachment 1. Site images are referred to in Attachment 2.
- 2.5 The process for road discontinuance requires Council to advertise in the local newspaper to invite submissions from interested persons and allowing at least 28 days for submissions to be made.
- 2.6 Subsequently, an advertisement was placed in the Public Notices Section of Port Phillip Leader on 20 March 2017.
- 2.7 In response to the public notice, one written submission opposing the proposal, was received from the owners of 376 Coventry Street, South Melbourne.
- 2.8 A full copy of the submission received has been circulated to Councillors for consideration.
- 2.9 On 22 December 2016, the architects acting on behalf of the owners of 376 Coventry Street, South Melbourne wrote to Council seeking a planning permit for the part demolition and extension to the owners' existing single-storey brick dwelling at 376 Coventry Street, South Melbourne. The property is situated within a General Residential Zone (RIZ) and is affected by a Heritage Overlay (HO440), being located in the Emerald Hill Precinct. Copies of the advertised planning application plans are referred to in Attachment 3.

3. KEY INFORMATION

- 3.1 The owners of 376 Coventry Street, South Melbourne (the objector) have listed three key issues for objecting to the proposal:
 - 3.1.1 The road discontinuance will result in a loss of any rights to pedestrian and vehicle access to 376 Coventry Street, South Melbourne.
 - 3.1.2 The road discontinuance will result in a loss of access to 376 Coventry Street, South Melbourne during any future construction.
 - 3.1.3 The road discontinuance will result in a loss of any rights to light, air and ventilation to 376 Coventry Street, South Melbourne.
- 3.2 Officers note the following with respect to the three key issues raised by the owners of 376 Coventry Street, South Melbourne:
 - 3.2.1 In response to the first issue, the site images show a blank wall at the end of the subject laneway. It is the boundary wall of the dwelling at 376 Coventry Street, South Melbourne. The property owners of 376 Coventry Street have never used the laneway for pedestrian or vehicular access.
 - 3.2.2 In response to the second issue, 376 Coventry Street, South Melbourne has access to a different laneway at the rear of that property.
 - 3.2.3 In response to the third issue, the advertised planning application plans do not show any requirement for rights to light, air and ventilation as there are no doors or windows to be located near the subject laneway.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The process for discontinuance and sale of Council roads aligns with the Strategic Direction 6 in the Council Plan 2017-27 through supporting:
- Transparent governance and an actively engaged community.
- 4.2 The proposal is in accordance with Council's Discontinuance and Sale of Roads Policy.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council has consulted with the community through a "Public Notice" in the Port Phillip Leader on 20 March 2017 inviting submissions in accordance with the statutory procedures described in section 223 of the Local Government Act 1989.
- 5.2 Relevant Council departments have been notified by way of internal referral. Service authorities have also been consulted to determine the requirements for easements.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The Road proposed for discontinuance is a "dead end" which means that it currently provides no access to any property at the eastern end, apart from 17 Coventry Place and 378 Coventry Street, South Melbourne.
- 6.2 Council has powers to discontinue roads under clause 3 of Schedule 10 of the Local Government Act 1989. The definition of a 'road' includes a right of way and laneway.
- 6.3 The price that would be paid by the respective owners of 17 Coventry Place and 378 Coventry Street, South Melbourne ("abutting owners") is in accordance with Council's Discontinuance and Sale of Roads Policy.
- 6.4 There are no legal or risk implications associated with adhering to legislative procedures.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 The proposal has no detrimental environmental implications.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 The proposal has no detrimental social and cultural implications.

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 The proposal has no detrimental economic implications.

7.4 FINANCIAL IMPLICATIONS

- 7.4.1 The price of the land is determined in accordance with Council's Discontinuance and Sale of Roads Policy.



- 7.4.2 It is proposed to sell the land in the Road at market value. If discontinuance and sale of the Road is supported, Council will receive revenue of \$63,000 plus GST.
- 7.4.3 The abutting owners proposing the sale are required to pay costs for professional services associated with the transaction, to be collected by Council's lawyers.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 Council hears and considers the written submission received under section 223 of the Local Government Act 1989 on 19 July 2017.
- 8.1.2 Council makes a decision as to whether or not it will discontinue and sell the Road to the abutting owners on 16 August 2017.

8.2 COMMUNICATION

- 8.2.1 The abutting owners (proponents) and the owners of 376 Coventry Street, South Melbourne will be advised of the outcome of the process and the reasons for final Council decision.

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.