

SERVICES DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 9 May 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.34pm

Attendance Councillor Lisa Hollingsworth (Chairperson)
Councillor Jane Addis (Mayor)
Councillor Jim Parke
Councillor Felicity Sinfield
Councillor Victor Franco
Councillor Wes Gault
Councillor Di Gillies
Councillor Cynthia Watson
Councillor Susan Biggar
Councillor Garry Thompson
Councillor Nick Stavrou

Apologies Nil

Officers

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Scott Walker	Director Urban Living
Amy Montalti	Chief Financial Officer
Bryan Wee	Manager Governance and Legal
Rebecca Dewar	Acting Coordinator Revenue and Property Services
Helen Pavlidis	Senior Governance Officer

WS.

Table of contents

1.	Adoption and confirmation of the minutes	3
2.	Declaration of conflict of interest of any councillor or council officer	3
3.	Presentation of officer reports	
3.1	Adjoining 9 and 11 Weybridge Street, Surrey Hills - Proposed sale of land from a previously discontinued right of way (road)	3
4.	General business	7
5.	Urgent business	7
6.	Confidential business	7

1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Sinfield

Seconded Councillor Addis

That the minutes of the Services Delegated Committee meeting held on 11 April 2022 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

Nil

3. Presentation of officer reports

3.1 Adjoining 9 and 11 Weybridge Street, Surrey Hills - Proposed sale of land from a previously discontinued right of way (road)

Purpose

This report is to consider the completion of the statutory procedures for the sale of the land from the previously discontinued 3.66m wide road adjoining 9 and 11 Weybridge Street, Surrey Hills, including the consideration of two written and any verbal submissions received in respect to the proposal.

Background

Council received a request from one of the adjoining property owners for the sale of the land from the previously discontinued road adjoining 9 and 11 Weybridge Street, Surrey Hills, as shown hatched in **Attachment 1**.

The land is currently unoccupied and unused and is considered by officers to be suitable for sale to the adjoining property owners.

In 1999, Council resolved to discontinue and sell the 3.66m wide road at the rear of 21 to 31 Scheele Street and 24 to 32 Langford Street and adjoining 9 and 11 Weybridge Street, Surrey Hills, shown hatched in **Attachment 2**. While the majority of the land from the former road has been sold, the section between 9 and 11 Weybridge Street, Surrey Hills, remains unsold. Council took title to the land in 2008.

Council at its meeting held on 15 November 2021, resolved to commence the statutory procedures to sell the land from the previously discontinued road adjoining 9 and 11 Weybridge Street, Surrey Hills, as shown hatched in **Attachment 1**, to the adjoining property owners in accordance with Council's policy, on a longitudinal basis as shown in draft Plan of Subdivision PS848222C (version 2), shown in **Attachment 3**.

Pursuant to the provisions of section 114 of the *Local Government Act 2020*, a notice advising of Council's intentions was published in The Age newspaper and on Council's website on 24 November 2021.



The notice also stated as part of its community engagement process Council is inviting submissions on the proposal and any submissions received would be considered by Council in accordance with the principles of section 223 of the *Local Government Act 1989*.

Key Issues

Written submissions have been received from both adjoining property owners at 9 and 11 Weybridge Street, Surrey Hills. Both submitters have requested to be heard in support of their submissions.

One submitter is strongly in favour of the proposed allocation and division of the land on a longitudinal basis while the other is strongly opposed to the proposed allocation and division and favours a latitudinal division of the land.

Copies of the submissions have been circulated to Councillors separately in confidential **Attachment 7**.

Next Steps

The statutory procedures require Council to hear the submitters and consider their submissions and decide on whether to sell the land, part of the land or not to sell the land and also resolve upon the division and allocation of the land.

Once Council has reached a decision, it is required to notify the submitters of its decision and the reasons for it reaching its decision.

Confidentiality

Confidential information is contained in **Attachment 7**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the *Local Government Act 2020*. The information relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

*1 speaker opposed to the officers' recommendation addressed the meeting.
2 speakers in support of the officers' recommendation addressed the meeting.*

MOTION

Moved Councillor Addis

Seconded Councillor Franco

That the Services Delegated Committee, acting under section 114 of the *Local Government Act 2020*, and having considered the written and any verbal submissions received in accordance with the principles of section 223 of the *Local Government Act 1989* to the proposed sale of the land from the previously discontinued 3.66m wide road adjoining 9 and 11 Weybridge Street, Surrey Hills, shown hatched in Attachment 1, resolve to:

1. Direct the land from the previously discontinued road adjoining 9 and 11 Weybridge Street, Surrey Hills, shown hatched in Attachment 1, and as annexed to the minutes, be sold to the adjoining property owners by private treaty in accordance with Council policy.
2. Dispose of the subject land by dividing the land on a longitudinal basis as shown in draft Plan of Subdivision PS848222C (version 2) in Attachment 3, and as annexed to the minutes.
3. Authorise the Chief Executive Officer, or any such person the Chief Executive Officer approves for the purpose of giving effect to this resolution, to act on behalf of Council relating to the sale of the land from the previously discontinued road to the adjoining property owners.
4. Advise the persons who lodged submissions in relation to the proposal of Council's decision and the reasons for the decision.
5. Record the following reasons for the decision to sell the land in the manner favoured by Council:
 - (i) A longitudinal division would be more conducive to the proper planning and development of the area.
 - (ii) The division would produce a consistent street frontage width ensuring a subdivision pattern in keeping with the preferred neighbourhood character.
 - (iii) The division would ensure the detached nature from the side boundaries of the existing housing is maintained, which from a streetscape perspective is the preferred urban design outcome.
 - (iv) The division would facilitate the removal of the existing vehicular crossover and reinstatement of the nature strip resulting in the provision of additional on street parking for local residents.
 - (v) The division allows the stormwater from both the adjoining properties to continue to drain as it is now with no changes needed.
 - (vi) The division poses a minimal risk to Council's drainage assets located in the land as the drain is located closer to the western boundary of the land and will provide a clearance of:
 - (vii)
 - 1m from the edge of the drainage pipe to the centreline of the land; and
 - 0.8m from the edge of the stormwater pit servicing 11 Weybridge Street to the centreline of the land.

LOST



Procedural motion - Adjournment**Moved Councillor Parke****Seconded Councillor Sinfield****That the Services Delegated Committee meeting be adjourned.****CARRIED***The Services Delegated Committee meeting was adjourned at 7.33pm***Procedural motion - Resumption****Moved Councillor Parke****Seconded Councillor Biggar****That the Services Delegated Committee meeting be resumed.****CARRIED***The Services Delegated Committee meeting was resumed at 7.43pm with all councillors present.***MOTION****Moved Councillor Parke****Seconded Councillor Biggar**

That the Services Delegated Committee, acting under section 114 of the *Local Government Act 2020*, and having considered the written and any verbal submissions received in accordance with the principles of section 223 of the *Local Government Act 1989* to the proposed sale of the land from the previously discontinued 3.66m wide road adjoining 9 and 11 Weybridge Street, Surrey Hills, shown hatched in Attachment 1, resolve to:

- 1. Direct the land from the previously discontinued road adjoining 9 and 11 Weybridge Street, Surrey Hills, shown hatched in Attachment 1, and as annexed to the minutes, be sold by public auction.**
- 2. Authorise the Chief Executive Officer, or any such person the Chief Executive Officer approves for the purpose of giving effect to this resolution, to act on behalf of Council relating to the sale of the land from the previously discontinued road.**
- 3. Advise the persons who lodged submissions in relation to the proposal of Council's decision.**

CARRIED

4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 7.45pm

Confirmed

Chairperson



Date



MINUTES ATTACHMENTS



Services Delegated Committee

Monday 9 May 2022

Attachment as annexed to the resolution:

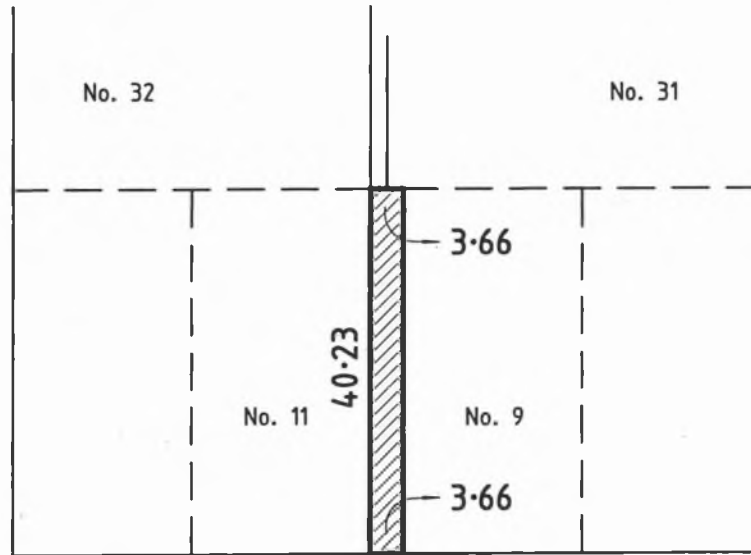
- 3.1 Adjoining 9 and 11 Weybridge Street, Surrey Hills -
Proposed sale of land from a previously discontinued right
of way (road)

DS.

50



LANGFORD STREET



SCHEELE STREET

WEYBRIDGE STREET