

# SERVICES DELEGATED COMMITTEE



## MINUTES

(Open to the public)

**Monday 8 April 2024**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.30pm

**Attendance**

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

**Apologies** Councillor Felicity Sinfield

<b><u>Officers</u></b>	Phillip Storer	Chief Executive Officer
	Daniel Freer	Director Places and Spaces
	Kate McCaughey	Director Community Support
	Scott Walker	Director Urban Living
	Bryan Wee	Manager Governance and Legal
	Sapphire Allan	Acting Chief Financial Officer
	Michael Hutchison	Head of Strategic Property and Revenue
	Liam Merrifield	Senior Governance Officer

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## 1. Adoption and confirmation of the minutes

### MOTION

**Moved Councillor Gillies**

**Seconded Councillor Thompson**

**That the minutes of the Services Delegated Committee meeting held on 12 February 2024 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 Proposed removal of reserve status and sale of drainage reserve - adjoining 19 Gardiner Road, Hawthorn

#### Purpose

This report is to consider finalising the statutory procedures to remove reserve status (discontinue) and sell the 0.91m wide drainage reserve adjoining 15 and 19 Gardiner Road, Hawthorn, including the consideration of a submission received to the proposal.

#### Background

Council received a request from the owner of 19 Gardiner Road, Hawthorn, for the removal of reserve status and sale of the drainage reserve adjoining that property and 15 Gardiner Road ("the Reserve").

Council at its meeting held on 26 June 2023 resolved to commence the statutory procedures to remove the reserve status and sell the Reserve.

Notice of the proposal was given on Council's website on 7 July 2023 advising that any submissions should be received by Council by 10 August 2023 and that any submissions would be considered in line with section 223 of the *Local Government Act 2023*.

One written submission has been received.

The matter was presented to the Services Delegated Committee on 24 February 2024 and was deferred. Further enquiries have since been made to investigate the feasibility of including 15 Gardiner Road in the proposed sale process. During these investigations, it was found that a hiatus exists which demonstrates that 15 Gardiner Road is separated from the Reserve by the hiatus, part of which is occupied by 19 Gardiner Road.

Council's consultants, Macquarie Local Government Lawyers, have formed the view that the presence of the hiatus removes the option of Council dividing the Reserve land equally between the two abutting properties, or progressing a sale as one parcel to the owner of 15 Gardiner Road given 15 Gardiner Road does not abut the

Reserve. As such, it is recommended the proposal proceed to discontinue and sell the discontinued Reserve land to 19 Gardiner Road, Hawthorn.

### Key Issues

- The Reserve is in the name of Council.
- The Reserve is considered by officers to be no longer required for the purpose for which it was reserved and is of little value to Council.
- The Reserve has been enclosed within 19 Gardiner Road, Hawthorn, for in excess of 15 years.
- The property at 15 Gardiner Road, Hawthorn has no abuttal to the Reserve as a hiatus exists between this property and the Reserve.
- It is proposed to discontinue and sell the discontinued Reserve land to 19 Gardiner Road, Hawthorn.
- Any sale of Council land requires Council to comply with section 114 of the *Local Government Act 2020*.
- There are no Council or service authority assets located within the Reserve.

### Confidentiality

Confidential information is contained in **Attachments 5, 6 and 7**, as circulated in the confidential section of the agenda attachments. The information in these attachments is deemed to be confidential in accordance with section 66(2)(a) and the definition of 'confidential information' in section 3(1) of the *Local Government Act 2020*. The information is Council business information which would prejudice the Council's position in commercial negotiations if prematurely released.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

*There were no speakers wishing to make submissions to the Committee for this item.*

## **MOTION**

**Moved Councillor Biggar**

**Seconded Councillor Gillies**

**That Council, having given public notice of its intention to remove reserve status from the 0.91m wide drainage reserve adjoining 19 Gardiner Road, Hawthorn, shown hatched in Attachment 1 ("the Reserve") and to sell part of the Reserve shown as Lot 1 on the proposed Plan of Subdivision PS913924G in Attachment 2, the Services Delegated Committee resolves to:**

- 1. Remove reserve status from the Reserve and sell part of the Reserve shown as Lot 1 in the proposed Plan of Subdivision PS913924G to the owner of 19 Gardiner Road, Hawthorn, by private treaty in accordance with Council's Discontinuance of Roads and Reserve Policy 2022.**
- 2. Authorise the Chief Executive Officer or any such person that the Chief Executive Officer approves, to sign all necessary documentation for removal of reserve status from the Reserve and for the sale of the land in Lot 1 in the proposed Plan of Subdivision PS913924G to the owner of 19 Gardiner Road, Hawthorn, for the sum of \$144,980.00 (inclusive of GST), in**

**accordance with Principle 2 of Council's Discontinuance of Roads and Reserve Policy 2022.**

- 3. Note that procedures will be undertaken pursuant to part 4 of the *Planning and Environment Act 1987* and section 24A of the *Subdivision Act 1988* to remove (discontinue) reserve status and subdivide the land from the Reserve.**
- 4. Note consideration of the submission received and write to the submitter advising them of Council's decision and the reason for that decision.**
- 5. Note public notice was given of its intention to remove the reserve status from the 0.91m wide drainage reserve adjoining 19 Gardiner Road, Hawthorn, shown hatched in Attachment 1 ("the Reserve") and to sell part of the Reserve shown as Lot 1 on the proposed Plan of Subdivision PS913924G in Attachment 2.**

**CARRIED**

**4. General business**

Nil

**5. Urgent business**

Nil

**6. Confidential business**

Nil

**The meeting concluded at 6:38pm**

**Confirmed**

**Chairperson**

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**Date**

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