



the place
to live

AGENDA OF THE HEARING OF SUBMISSIONS COMMITTEE

To be held on Monday, 8 November 2021 at 5.30pm.

This Meeting will be held virtually.

This meeting will be closed to the public pursuant to Section 395 of the Local Government Act 2020.

This meeting will be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.

Table of Contents

| Item Number | | Page Number |
|--------------------|--|--------------------|
| 1. | MEMBERSHIP | 1 |
| 2. | APOLOGIES | 1 |
| 3. | DISCLOSURES OF CONFLICTS OF INTEREST | 1 |
| 4. | CONFIRMATION OF THE MINUTES OF THE PREVIOUS HEARING OF SUBMISSIONS COMMITTEE MEETING | 1 |
| 5. | CONSIDERATION OF REPORTS | 2 |
| 5.1 | PROPERTY MATTER - PROPOSED DECLARATION OF A ROAD AS A PUBLIC HIGHWAY ADJOINING 4 TO 9 KENWOOD COURT, 19 TO 47 SHOWERS STREET, 15 TO 19 RAILWAY PLACE WEST AND 32 OAKOVER ROAD, PRESTON | 2 |
| 6. | CLOSE OF MEETING | 17 |

Agenda

1. MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

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

| |
|-----------------------|
| Recommendation |
|-----------------------|

That the Minutes of the Hearing of Submissions Committee Meeting held on 11 October 2021 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 PROPERTY MATTER - PROPOSED DECLARATION OF A ROAD AS A PUBLIC HIGHWAY ADJOINING 4 TO 9 KENWOOD COURT, 19 TO 47 SHOWERS STREET, 15 TO 19 RAILWAY PLACE WEST AND 32 OAKOVER ROAD, PRESTON

Author: Coordinator Property Services

Reviewed By: Chief Executive Officer

EXECUTIVE SUMMARY

The purpose of this report is to seek the Hearing of Submissions Committee's consideration of the submissions received on the proposed declaration of the 3.05m wide road and 0.30m to 0.68m wide road (which was formerly a reserve) adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston, a public highway.

At its meeting on 23 August 2021, Council resolved to commence the statutory procedures under section 204(1) of the Local Government Act 1989 to declare the above road a public highway.

Public notice was given of Council's intention to declare the road to be a public highway in the Herald Sun newspaper and on Council's website on 22 September 2021. In addition, all adjoining owners and occupiers were consulted in writing. The public notice period ended on 20 October 2021. Council received three written submissions with two submitters requesting to be heard in support of their submission.

It is noted that the role of the Hearing of Submissions Committee is to only "hear" and receive submissions. There are no options for consideration or analysis of the submissions included in this report.

Following the Hearing of Submissions Committee meeting, a further report in relation to the matter will be provided to Council at a later date seeking a final resolution on the matter.

Officer Recommendation

THAT Council:

- 1) Receives the written and verbal submissions.
- 2) Thank all submitters and presenters for addressing the Committee in support of their written submissions.
- 3) Receives a report at a future Council meeting as part of Council's deliberations in considering the proposal to declare the land from the 3.05m wide road and 0.30 to 0.68m wide road (which was formerly a reserve) adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston, to be a public highway.

BACKGROUND / KEY INFORMATION

On 23 August 2021 Council resolved to commence the statutory procedures under section 204(1) of the Local Government Act 1989 to declare the 3.05m wide road and 0.30 to 0.68m wide road (which was formerly a reserve) adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston, a public highway, shown in the statutory plan in **Appendix A (Figure 1)**, as part of the Village Bell development.

Council has been working in close cooperation with the State Government's Department of Health and Human Services and its partners, the MAB Corporation and HousingFirst, to provide a mix of social and private housing, community space and commercial space as part of the Public Housing Renewal Program at a number of sites within Melbourne. One of the sites is in Preston, to be known as the Village Bell development, which will deliver two new residential villages at two locations in the area, known as the Stokes/Penola and Oakover Sites.

As part of the development proposed for the Oakover Site, comprising the properties at 1 to 12 Kenwood Court, 18 to 30 Oakover Road 1 to 13 Railway Place West, Preston, it is proposed that access to the on-site parking within the Oakover Site will be obtained via Oakover Road, Railway Place West and the roads to the north of the site, as shown on the Precinct Connectivity Plan in **Appendix A (Figures 2 & 3)**.

The proposed declaration of the road to be a public highway for the purposes of the Act would facilitate the northern access to the Oakover Site.

Previous Council Resolution

At its meeting held on 23 August 2021, Council resolved:

“THAT Council:

- (a) *Acting under section 204(1) of the Local Government Act 1989 (“the Act”) resolves that the statutory procedures be commenced to declare the land from the 3.05m wide road and 0.30 to 0.68m wide road (which was formerly a reserve) adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston, shown hatched in the statutory plan in Appendix A, to be a public highway for the purposes of section 204(1) of the Act.*
- (b) *Gives public notice under section 223 of the Act of the proposal to declare the land shown hatched on Appendix A to be a public highway.”*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.2 We will ensure our assets are optimised for the benefit of our community

DISCUSSION

The proposal to declare the roads shown hatched in the statutory plan in **Appendix A (Figure 1)** to be a Public Highway under section 204(1) of the Act.

Options for Consideration**Option 1 – Abandon the Proposal or Do Nothing**

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that the road, although open and used for access would not enjoy the status of being a public highway and its on-going use for vehicular access to the proposed Village Bell development in Oakover Road, Preston, may be open to question.

Council may, at some time in the future, resolve to commence the declaration process.

Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to finalise the statutory procedures to potentially declare the land from the road to be a public highway.

This option would serve to remove any possible ambiguity relating to the use and status of the land as a road and also enhance the use of the land as a public highway to facilitate access to the proposed Village Bell development.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**Financial Management**

The proposed road declaration process does not have any direct financial impacts to Council.

However, the road (once declared) will require repair and maintenance under Council's public road register.

Consultation with adjoining property owners

Consultation with all adjoining property owners and occupiers about the proposal has recently been completed.

Public notice was given in the Herald Sun newspaper and on Council's website on 22 September 2021. In addition, all adjoining owners and occupiers were consulted in writing. The public notice period ended on 20 October 2021. Council received three written submissions with two submitters indicating that wish to be heard in support of their submissions.

Further it is understood that information about the proposed development of the site has previously been the subject of a wide-ranging community consultation process, via newsletters and community meetings.

Consultation with the community

The statutory procedures require Council to give public notice of its intention to declare the roads as a public highway and invite submissions from affected parties.

Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. In addition, all abutting property owners would be advised of the proposal in writing and informed of their right to make a submission. Following which, a report will be presented to Council for a decision whether to declare the roads a public highway or not to declare the roads a public highway.

Submissions**Andrew Buckley (Appendix B)**

- Submission received 12 October 2021.
- Mr Buckley is opposed to the to the proposal due to concerns about its impact upon on traffic movements, congestion and safety issues in the vicinity of Showers Street.

Deborah Platanas (Appendix C)

- Submission received 17 October 2021.
- Ms Platanas is opposed to the proposal due to concerns about its impact upon on traffic movements, congestion and safety issues in the vicinity of Showers Street.
- The submitter has elected to be heard in support of her submission.

Kathy and Jim Stavrakis (Appendix D)

- Submission received 20 October 2021.
- Mr and Mrs Stavrakis are opposed to the proposal due to concerns about its impact upon on traffic movements, congestion and safety issues in the vicinity of Showers Street.
- The submitters have elected to be heard in support of their submission.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

(a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

Nil

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The proposal will further assist the State Governments Public Housing Renewal Program to deliver a mixture of private and social housing together with both community and commercial spaces, and create a diversified, inclusive and active local community.

Economic Development Considerations

The proposal will further assist in the redevelopment of aging public housing stock to create further employment opportunities and provide new infrastructure and amenities which service the broader community and provide options for persons on lower incomes, including first home buyers, to access affordable housing.

Financial and Resource Implications

There are no financial or resource implications as a result of commencing the statutory procedures as contained in this report.

Costs associated with undertaking the statutory process would be recoverable from the developer of the Village Bell project.

Operational Impacts

There are no operational impacts.

Legal and Risk Implications

Any legal or risks and governance implications associated with the items will be documented in the options provided to Council.

IMPLEMENTATION ACTIONS


Timeline

It is expected that all relevant actions will be affected within three months of this report.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*

Attachments

- Appendix A - Statutory Plans (**Appendix A**) [↓](#) 
- Appendix B - Submission (**Appendix B**) Confidential - enclosed under separate cover
- Appendix C - Submission (**Appendix C**) Confidential - enclosed under separate cover
- Appendix D - Submission (**Appendix D**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

Item 1**Road adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston**

To contextualise this property matter:

- Statutory, Site & Development Plan and Precinct Connectivity Plan is shown in **Figure 1**
- Plan of subdivision & title is shown in **Figure 2**.
- Aerial View is shown in **Figure 3**.

Figure 1 – Statutory, Site & Development Plan and Precinct Connectivity Plan Road adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston

Advised Document PCD/1/2019 pages 19 of 58
VILLAGE BELL PRISTON

4.0 Development Plan (Cont'd)

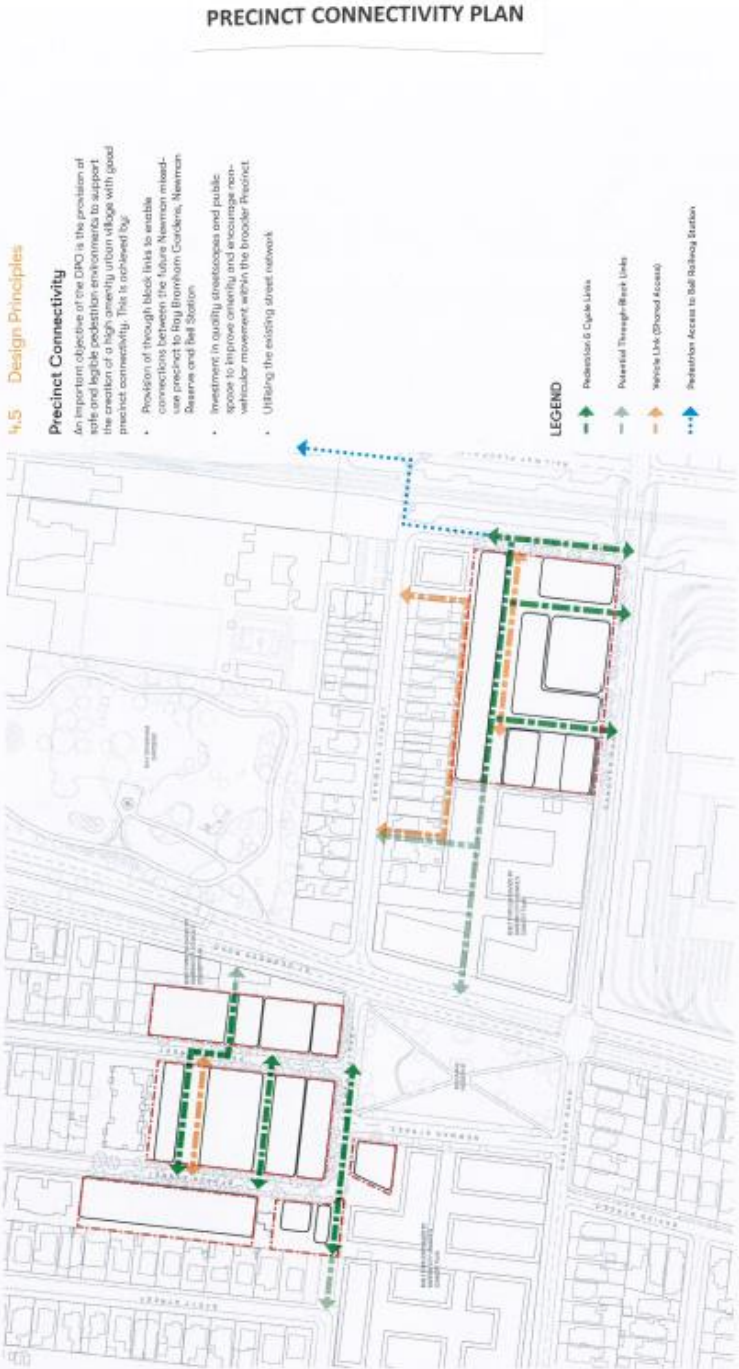
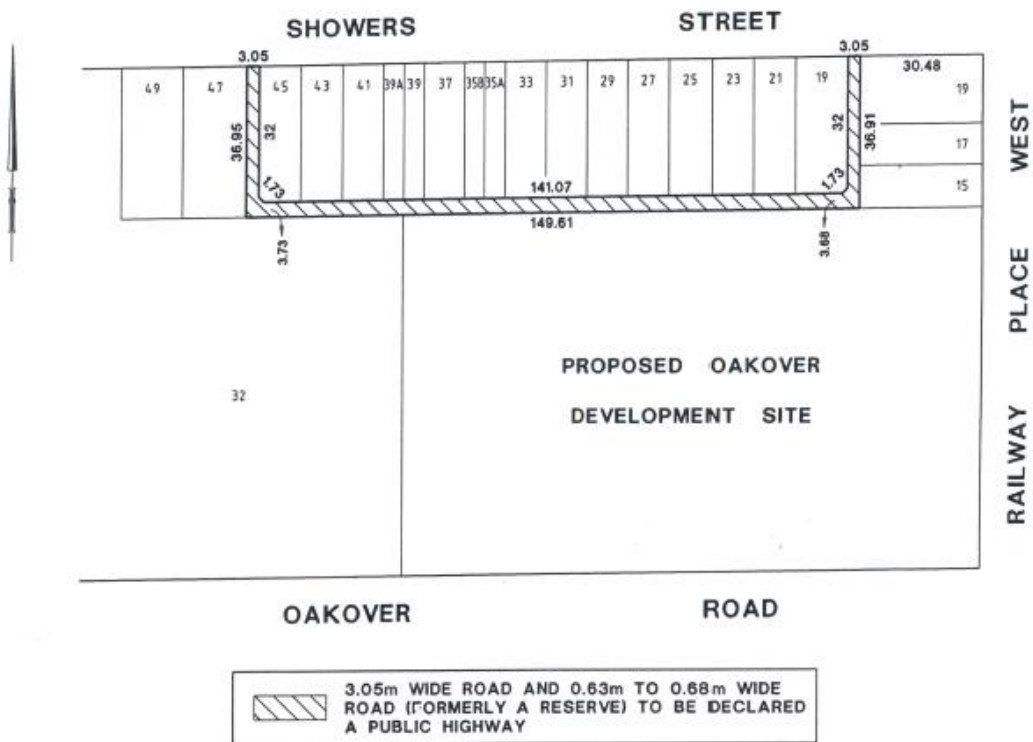


Figure 4.2

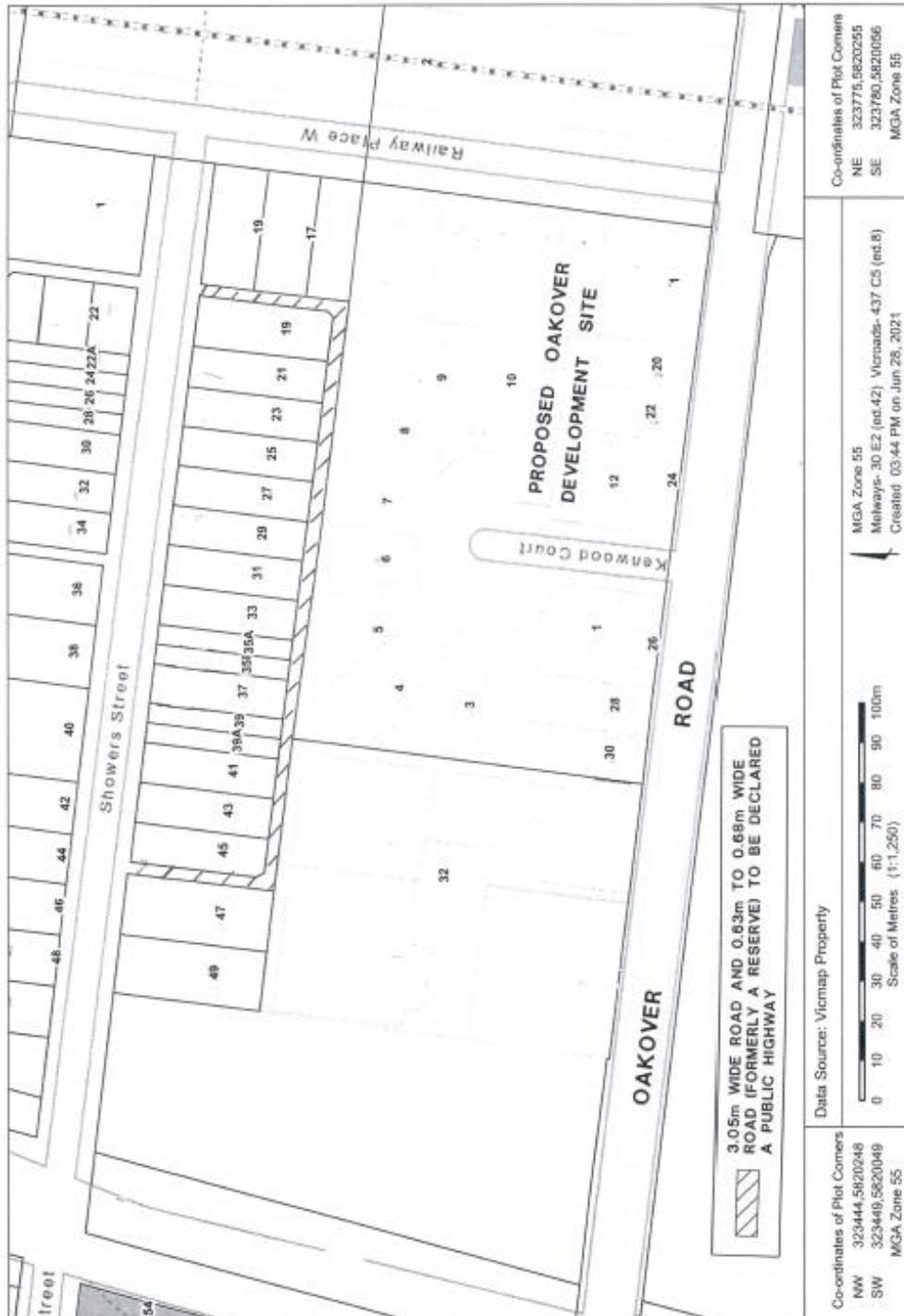
Darebin City Council Received 21/05/2020

This document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

STATUTORY PLAN



SITE PLAN



DEVELOPMENT SITE PLAN

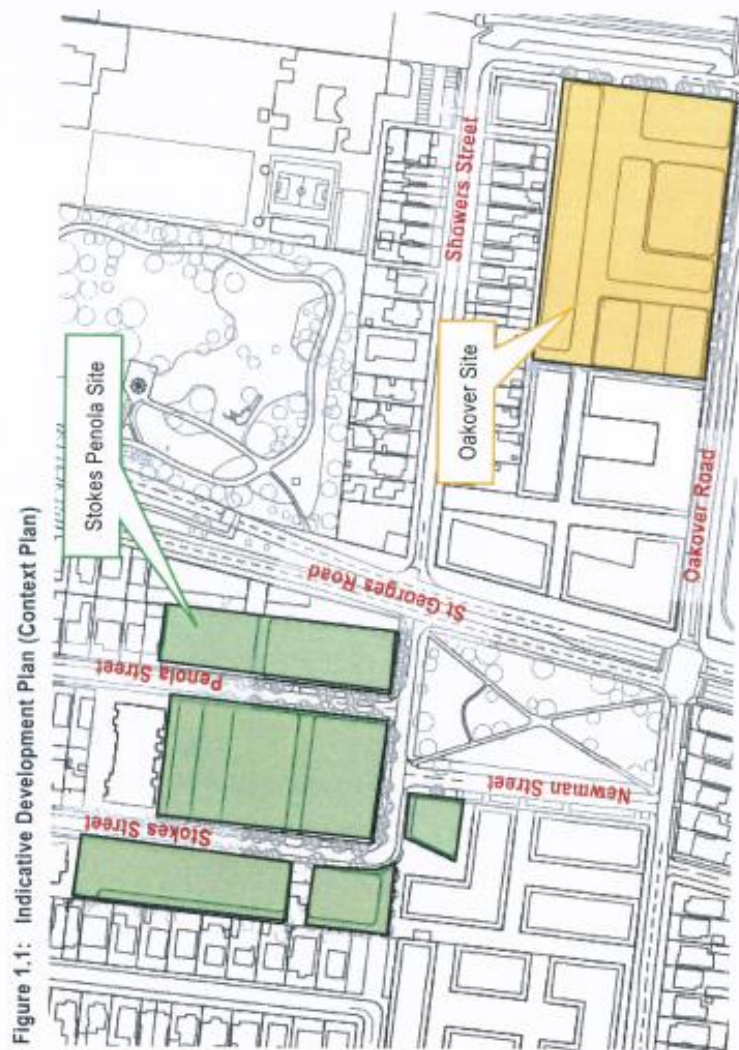


Figure 1.1: Indicative Development Plan (Context Plan)

4.0 Development Plan (Cont'd)

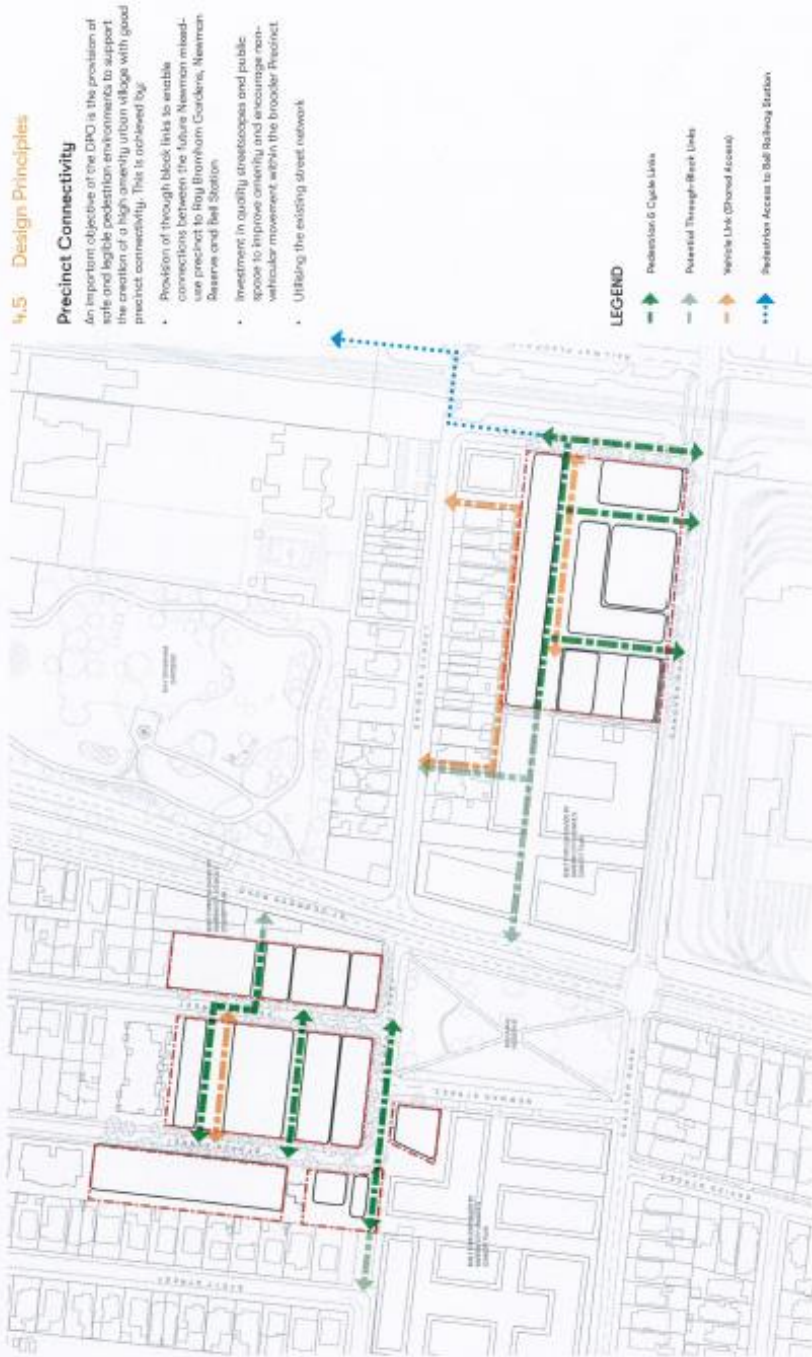


Figure 4.2

Figure 2 Plan

| PLAN OF SUBDIVISION UNDER SECTION 24A OF THE SUBDIVISION ACT 1988 | | | | EDITION 1 | PS 831977P |
|---|---------|----------------|--------|---|---|
| LOCATION OF LAND PARISH: JIKA, JIKA TOWNSHIP: --- SECTION: --- CROWN ALLOTMENT: --- CROWN PORTION: 139 PART TITLE REFERENCE: VOL 11830 FOL 587 (PART) LAST PLAN REFERENCE: RESERVE 2 ON LP 1988 POSTAL ADDRESS: LANEWAY OFF SHOWERS ROAD (at time of subdivision) PRESTON 3072 MGA 94 CO-ORDINATES: E 323630 ZONE: 55 N 5620180 | | | | Council Name: Darebin City Council Council Reference Number: SUB/181/2019 Planning Permit Reference: D/475/2019 SPEAR Reference Number: S146041C Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 16 of the Subdivision Act 1988 has not been made. Digitally signed by: Laura Palermo for Darebin City Council on 02/04/2020 | |
| EASEMENT INFORMATION | | | | NOTATIONS | |
| LEGEND: E - ENCUMBERING EASEMENT, CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBRANCE A - APPURTENANT EASEMENT | | | | SURVEY THIS PLAN IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NO(S) - N/A IN PROCLAIMED SURVEY AREA NO. - N/A DEPTH LIMITATION DOES NOT APPLY PURPOSE OF THIS PLAN: TO REMOVE THE RESERVE STATUS FROM RESERVE No2 ON LP 1988 (BEING PART OF CERTIFICATE OF TITLE VOL 11830 FOL 587) & TO VEST THE LAND AS A ROAD TO DAREBIN DAREBIN CITY COUNCIL. GROUND(S) FOR REMOVAL & VESTING: PLANNING PERMIT No - SEE PANEL ABOVE | |
| SUBJECT LAND | PURPOSE | WIDTH (METRES) | ORIGIN | LAND BENEFITED IN FAVOUR OF | |
| | | | | | |
| Level 3, 1 Southbank Boulevard Southbank, Victoria 3006 03) 7019 8400 www.veris.com.au DEVELOP WITH CONFIDENCE™ Formerly Bosco Johnson | | | | LICENSED SURVEYOR ANDREI FIJAN DATE 15/07/19 REFERENCE 300632 VERSION A DRAWING 300632-BA | SCALE 1:600 6 0 12 24 METRES ORIGINAL SHEET SIZE A3 SHEET 1 OF 1 SHEETS |
| Digitally signed by: ANDREI FIJAN, Licensed Surveyor, Surveyor's Plan Version: (A), 31/03/2020, SPEAR Ref: S146041C | | | | PLAN REGISTERED TIME: 2 : 15 PM DATE: 18 / 05 / 2021 R McBain Assistant Registrar of Titles | |

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, LANDATA REGD TM System, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 12304 FOLIO 350

Security no : 124090744725H
Produced 24/06/2021 12:39 PM

LAND DESCRIPTION

Road R1 on Plan of Subdivision 831977P.
PARENT TITLE Volume 11830 Folio 587
Created by instrument P8831977P 18/05/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DAREBIN CITY COUNCIL of 274 GOWER STREET PRESTON VIC 3072
P8831977P 18/05/2021

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE P8831977P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

| NUMBER | | STATUS | DATE |
|---------------|---------------------|------------|------------|
| P8831977P (B) | PLAN OF SUBDIVISION | Registered | 18/05/2021 |

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 09859E DAREBIN CITY COUNCIL
Effective from 18/05/2021

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

The information supplied by Feigl & Newell Pty. Ltd. has been obtained from InfoTrack Pty Limited by agreement between them. The information supplied has been obtained by InfoTrack Pty Limited who is licensed by the State of Victoria to provide this information via LANDATA® System.

Figure 3 - Aerial view road adjoining 4 to 9 Kenwood Court, 19 to 47 Showers Street, 15 to 19 Railway Place West and 32 Oakover Road, Preston



6. CLOSE OF MEETING