

Committee report to Council

Agenda item 5.1

Council

**Proposed discontinuance of parts of Bedford, Capel and Courtney Streets
North Melbourne**

25 October 2022

Committee Submissions (Section 223)

Presenter Kim Wood, Chief Legal Counsel

Purpose and background

1. The purpose of this report is to recommend the road discontinuance of parts of Bedford, Capel and Courtney Streets North Melbourne (the Roads) pursuant to section 206(1) and clause 3 of schedule 10 of the *Local Government Act 1989*.

Consideration at Committee

2. Following consideration by the Submissions (Section 223) Committee meeting on 13 October 2022 the Committee considered the report at Attachment 1 and made the below recommendation for presentation to Council.

Recommendation

3. That Council:
 - 3.1. discontinue portions of Bedford, Capel and Courtney Streets North Melbourne as shown on the plan in the public notice published in The Age of 1 September 2022, for the reasons that:
 - 3.1.1. the one submission received strongly supports the proposal
 - 3.1.2. the proposal continues the Council program of expanding open space by the creation of pocket parks using portions of road no longer required for that purpose
 - 3.1.3. once discontinued, the resulting land can be reserved under the Crown Land (Reserves) Act 1978.
 - 3.2. notify in writing every person who has lodged a separate submission of the decision and reasons for the decision.

Attachment:

1. Submissions (Section 223) Committee, Agenda item 5.1, 13 October 22 (Page 2 of 8)

Management report to Submissions (223) Committee**Proposed discontinuance of parts of Bedford, Capel and Courtney Streets North Melbourne****Agenda item 5.1****Presenter:** Sally Naughton, Property and Leasing Manager**Submissions (223)
Committee****13 October 2022****Purpose and background**

1. The purpose of this report is to consider the submission received to a proposed road discontinuance pursuant to section 206(1) and clause 3 of schedule 10 of the *Local Government Act 1989* ('the Act'), of parts of Bedford, Capel and Courtney Streets North Melbourne (the Roads), in order to protect public open space and create a pocket park (the Land), as shown hatched on the attached plan in Attachment 1 (the Proposal).
2. The proposed draft concept plan for Bedford Street Pocket Park includes narrowing the constructed Roads along Bedford Street and Capel Street, extending an existing closure further north along Capel Street and closing a small section of Courtney Street at Peel Street. A copy of the draft concept plan is at Attachment 2.
3. The Director City Infrastructure on 2 August 2022, acting under delegation, approved the commencement of the statutory process to discontinuance the Roads subject to conditions which included carrying out public consultation
4. Public notice of the Proposal was advertised in The Age on 1 September and submissions closed on 29 September 2022. A copy of the public notice is at Attachment 3.
5. Community engagement on the draft concept plan for Bedford Street Pocket Park occurred at the same time as the public notice for the Proposal so that the community could better understand that to create the Bedford Street Pocket Park, Council needs to discontinue the Roads so that they are no longer known as a road, enabling the Roads to be used as parkland.

Key issues

6. To discontinue a road, Council must carry out a statutory process as directed by the Act of giving public notice and hearing any submissions before a decision can be made to discontinue a road
7. One submission in support of the Proposal has been received, shown as Attachment 3. The submitter has not requested to be heard but raises the following points:
 - 7.1. Notes there is limited use of Courtney Street slip lane and agree that it would be a better use of this space;
 - 7.2. Note that there is heavy use of the existing open space by families and their pets
 - 7.3. Request Council ensure there is still sufficient parking for residents
 - 7.4. Look forward to using the playground and BBQ space
8. The Submissions (Section 223) Committee must consider submissions received under section 223 of the *Local Government Act 1989*.
9. Following the consideration of the submission, a report will be presented to Council to consider whether or not the Roads are reasonably required for public use, or whether the Roads can be discontinued and reverted to public open space.
10. The Roads are on the Public Register of Roads and if a decision is made to discontinue the Roads, the Roads will also be removed from the register.

Recommendation from management

11. That the Submissions (Section 223) Committee:
 - 11.1. consider the written submission in relation to the proposal and hear any person wishing to be heard in support of their submission and then report to Council with a recommendation in relation to the road discontinuance
 - 11.2. recommends that Council notify in writing every person who has lodged a submission of its decision and the reasons for its decision.

Attachments:

- 1 Supporting Attachment (Page 3 of 7)
- 2 Public Notice Plans (Page 4 of 7)
- 3 Submission (Page 6 of 7)
- 4 Park concept (Page 7 of 7)

Supporting Attachment

Legal

1. Pursuant to sections 206(1) and clause 3 of Schedule 10 of the Act, Council has given public notice that it proposes to discontinue parts of Bedford, Capel and Courtney Street North Melbourne to establish greater public open space and in compliance with section 223 of the Local Government Act 1989 Council is hearing the submission received.
2. If a decision is made to discontinue the Roads the Land will be reserved under the *Crown Land (Reserves) Act 1978* and Council will be appointed committee of management.

Finance

3. The costs associated with the road discontinuance are being funded through the Public Open Space Reserve budget to better protect Council assets.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

6. Statutory and community consultation in relation to the proposal has been carried out in accordance with section 223 of the *Local Government Act 1989*, including
 - 6..1. advertising in The Age on the 1 September 2022
 - 6..2. display on the Council website under Public Notices

Relation to Council policy

7. The proposed discontinuance and sale complies with the Road Discontinuance and Sale Policy endorsed by Council on 30 May 2017.

Environmental sustainability

8. This proposal will assist in the establishment of the Bedford Street Pocket Park to create a larger, more attractive and functional pocket park.

MELBOURNE CITY COUNCIL

Proposed discontinuance of portions of Bedford, Capel and Courtney Streets North Melbourne in order to protect existing and create the new public open space called Bedford Street Pocket Park

Notice is given pursuant to sections 206(1) and 223 of the *Local Government Act 1989* (Act) that the Melbourne City Council (Council) proposes to discontinue portions of Bedford, Capel and Courtney Streets North Melbourne shown hatched on the plan below (Proposal) . The Proposal relates to two existing green spaces and portions of Bedford, Capel and Courtney Streets. If the Proposal is successful, the affected areas will be reserved under the *Crown Land Reserves Act 1978* and the Council appointed the committee of management.

Any person may make a written submission on the Proposal to the Council. All submissions received by the Council on or before 29 September 2022 will be considered in accordance with section 223(1) of the Act, by the Council's Submissions (Section 223) Committee (Committee).

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on 13 October 2022, commencing at 3pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne.

Written submissions should be marked 'Proposed discontinuances to create Bedford Street Pocket Park' and addressed to the Director Governance, Melbourne City Council, GPO Box 1603, Melbourne, 3001. Written submissions can be made via mail, email to com.meetings@melbourne.vic.gov.au or on-line at <https://comdigital.wufoo.com/forms/mq3jero1molzzx/>

Written submissions cannot be delivered in person.

Submissions form part of the public record of the meeting (including any personal information you provide) and will be published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at Council offices.

If you have any concerns about how Council will use and disclose your personal information, please contact the Council Business team via email at privacy@melbourne.vic.gov.au

11 September 2022

Director Governance, Melbourne City Council
GPO Box 1603
Melbourne, VIC 3001

Dear Sir / Madam

Proposed discontinuances to create Bedford Street Pocket Park – Written Submission

We are residents of Bedford Street. As first home owners here, we are very invested in the state and future of our neighbourhood. We are very appreciative of the opportunity to express our thoughts on the proposed projects.

We would like to express our strong support for the proposed discontinuation and creation projects planned for the greens by Bedford Street and Courtney Street (**Reserves**). First, we notice little to no traffic in the Courtney Street slip lane, and feel that closing it off will allow for much better use of space. Second we notice heavy use of the Reserves by residents and their pets, which would significantly benefit from the proposed projects. We would also like to voice a few thoughts for the Melbourne City Council's consideration in progressing this project to the next phase.

As residents we hope to ensure that there are sufficient parking lots for our use. We note that we are currently already competing with other non-resident users, particularly Queen Victoria Market visitors - we regularly see people park their cars on Bedford Street and head towards the markets with shopping trolleys. We know part of the Council's priorities includes retaining sufficient parking lots for residents. We hope that the number of free short-term parking lots retained is reflective of resident-requirements, particularly in light of other competing users of the parking lots.

We are strongly supportive of the creation of the playground and BBQ spaces, and look forward to using them. We do notice that the Reserves currently have frequent small night-time gatherings, albeit not disruptive or noisy. We hope that with the BBQ in place, there would still be restrictions against late night use, and there would be some sort of enforcement should this encourage late night gatherings of a more disruptive nature.

Thank you for taking the above into consideration. We would again like to express our strong support for the proposed projects for the Bedford Street Pocket Park, and we are highly grateful for the Council's work on this to date.

Kind regards

Eugene + Jenny

