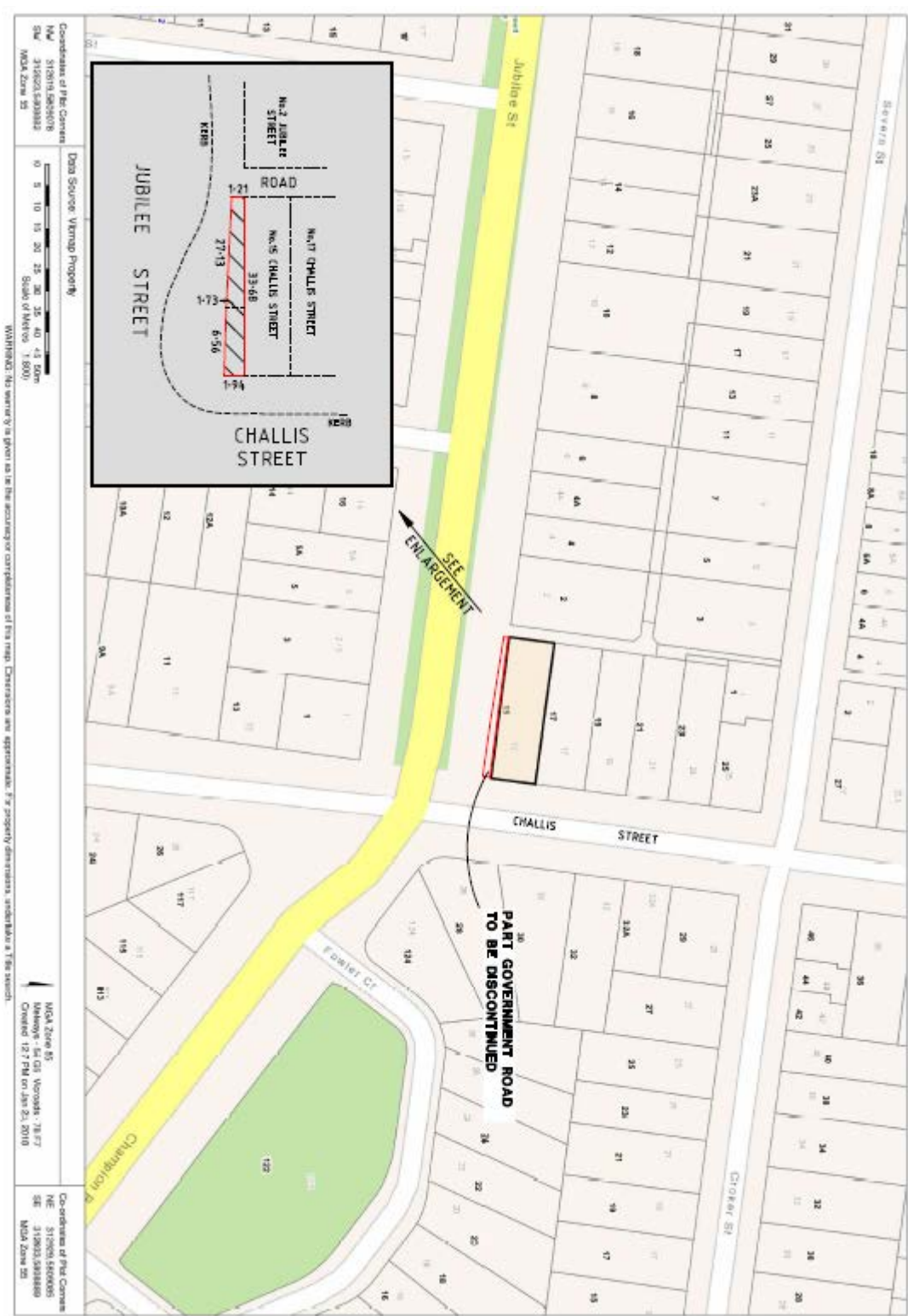
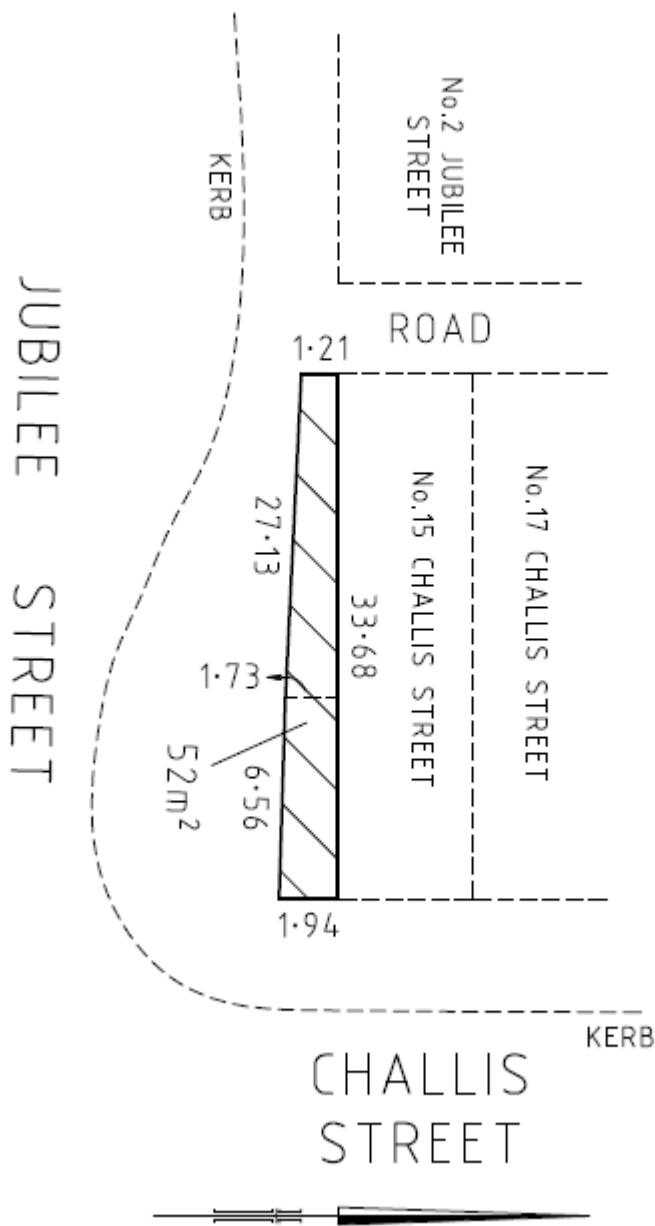


Appendix 6

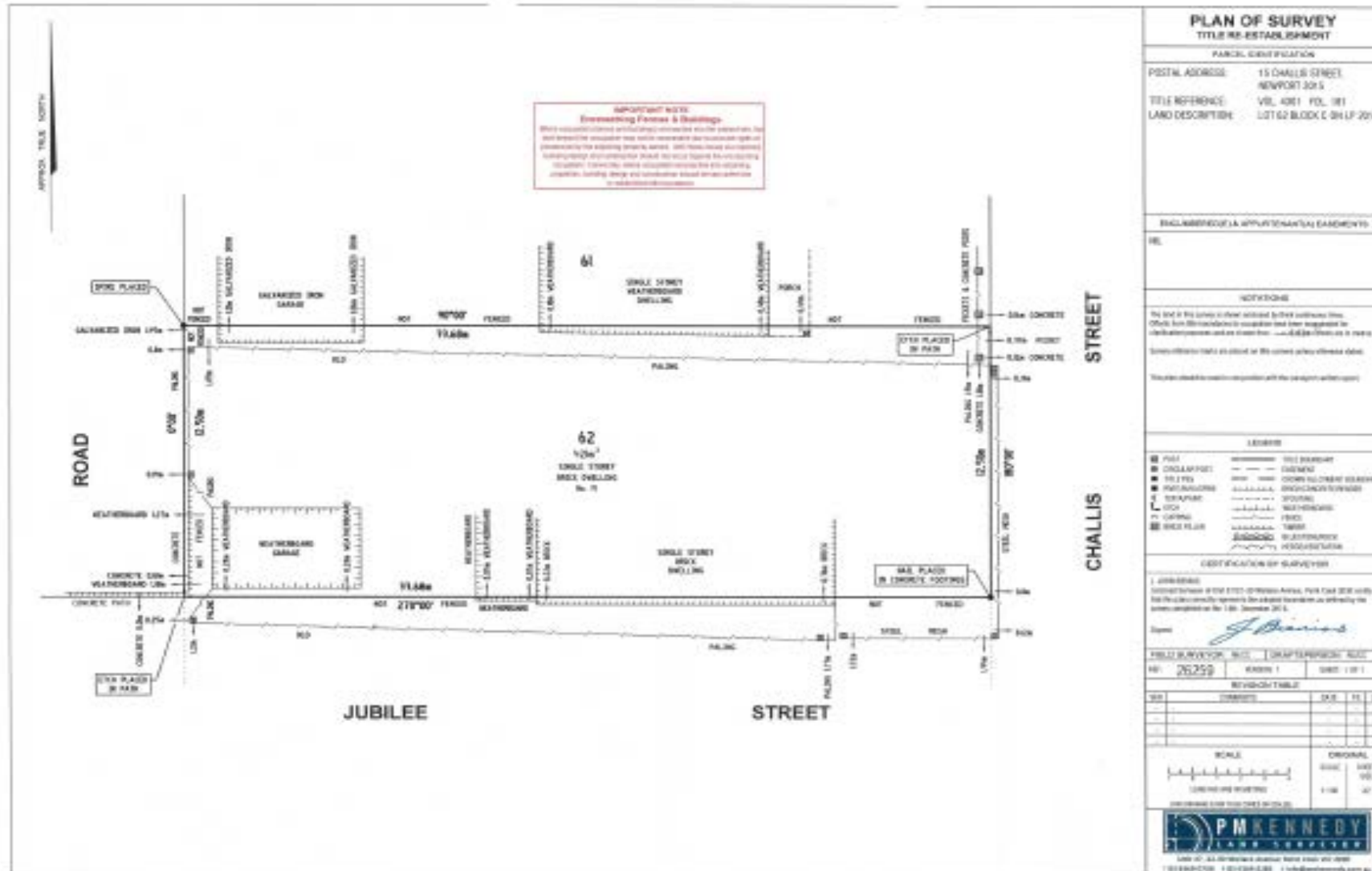
**Proposed Discontinuance
of and sale of part of a
Government Road
abutting 15 Challis Street,
Newport**

Appendix One





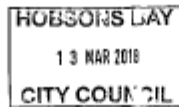
Appendix Three –Plan of Survey



Appendix Four Submissions received

Submission Number 1 – J Miola

MR CHRIS EDDY
CHIEF EXECUTIVE OFFICER
HOBSON'S BAY CITY COUNCIL
PO BOX 21
ALTONA VIC 3018



123 PARK CRESCENT
WILLIAMSTOWN NORTH
VIC 3016
8th MARCH 2018

RE: PROPOSED ROAD DISCONTINUANCE OCCUPIED BY 15 CHALLIS ST. NEWPORT
IN JUBILEE STREET

DEAR SIR,

I OBJECT TO OUR PUBLIC LAND BEING SOLD TO A PRIVATE OWNER.
SOMEONE AT SOMETIME IN THE PAST HAS DONE THE WRONG THING
AND BUILT THE FENCE-LINE NOT ACCORDING TO PROPER SURVEY
LINES AND INFRINGED AND TAKEN OVER OUR PROPERTY, I.E.
ROAD RESERVE.

ALL FENCING SHOULD BE CONSTRUCTED ON PROPER SURVEY LINES.
MEANWHILE ALL THESE YEARS, WE THE PUBLIC HAVE LOST GROUND
TO THIS PROPERTY.

IT IS NOT RIGHT TO ALLOW PEOPLE TO TAKE OVER PUBLIC LAND,
FENCE IT AND CALL THE AREA THEIRS.

FOR MORE THAN 50 YEARS PEDESTRIANS HAVE DEVIATED PAST
THIS PROPERTY RATHER THAN FOLLOW THE LAWFUL COURSE.

I KNOW "POSSESSION" IS SAID TO BE "NINE TENTHS OF THE LAW" BUT
LET'S RECTIFY THIS MISTAKE NOW AND TAKE BACK OUR PUBLIC LAND.

DON'T SELL OFF PUBLIC ROAD RESERVE.

REINSTATE THE CORRECT BOUNDARY TO THIS PROPERTY.

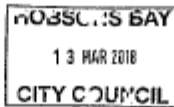
SINCERELY

MRS J. MIOLA

J Miola



Submission Number 2 – R Miola



MR CHRIS EDDY
CHIEF EXECUTIVE OFFICER
HOBSONS BAY CITY COUNCIL
PO BOX 21
ALTONA VIC 3018

11/3/2018
123 PARK GRESSENT
WILLIAMSTOWN NORTH
VIC 3016

RE: PROPOSAL TO DISCONTINUE A ROAD - GOVERNMENT
ROAD ADJACENT TO 15 CHALLIS STREET, NEWPORT.

AS I UNDERSTAND IT, THE AREA IN QUESTION IS A STRIP OF GOVERNMENT ROAD ENCLOSED WITHIN THIS PROPERTY. THIS ORIGINALLY HAPPENED MANY YEARS AGO WHEN SOMEONE ILLEGALLY EXTENDED THEIR BOUNDARY AND TOOK OVER PROPERTY WHICH DID NOT BELONG TO THEM.

THE AREA IN QUESTION OF APPROX 52 M², IS OWNED BY THE CROWN, AND JUBILEE STREET IS A GOVERNMENT ROAD.

AS IS RIGHTLY POINTED OUT IN THE HOBSONS BAY CITY COUNCIL ORDINARY COUNCIL MEETING AGENDA DATED 13 FEB 2018, COUNCIL'S POWERS DO NOT EXTEND TO THE SALE OF THE LAND TO A PARTY WHERE THIS LAND IS OWNED BY THE CROWN.

THE PROPOSAL TO DISCONTINUE A ROAD IS, IN MY OPINION FLAWED ON MANY GROUNDS.

THE 52 M² IN QUESTION WAS ILLEGALLY TAKEN OVER BY SOMEONE MANY YEARS AGO, AND HAD THE AUTHORITIES DONE THEIR JOB, THE WRONGDOER WOULD HAVE HAD TO RETURN THE LAND IN QUESTION, REMOVE THE FENCE AT HIS/HER EXPENSE, AND BE FINED FOR HIS/HER ACTIONS.

THE COUNCIL SHOULD NOT REWARD, CONDONE, OR ABET SUCH WRONGDOING/BREAKING THE LAW, BY GOING AHEAD WITH THIS PROPOSAL.



PAGE 1 of 3

THE COUNCIL SHOULD TAKE BACK THE 52m² IN QUESTION AND RESTORE ITS STATUS TO WHAT IT ORIGINALLY WAS.

IT IS IMPORTANT THAT THE LOCAL COUNCIL, AS THE CO-ORDINATING ROAD AUTHORITY NOT COMMENCE THE ROAD DISCONTINUANCE PROCESS.

THE SECOND OPTION IN THE ORDINARY COUNCIL MEETING AGENDA DATED 13 FEBRUARY 2018, TO NOT COMMENCE THE DISCONTINUANCE PROCEDURES IS IN MY OPINION BY FAR THE MOST CORRECT.

IT IS STATED THAT UNDER THIS OPTION, THE SUBJECT OF THE PROPOSAL, WOULD REMAIN PART OF THE GOVERNMENT ROAD, ALBEIT ENCLOSED WITHIN THE FENCING OF THE NEIGHBOURING PROPERTY AND THAT THIS WOULD ~~DENY~~ THE APPLICANTS WITH AN OPPORTUNITY TO LEGITIMISE THIS PROPERTY'S LONG STANDING OCCUPATION OF THE LAND OR GAIN TITLE TO THE LAND.

IT IS ALSO STATED THAT GOVERNMENT ROADS CANNOT BE CLAIMED BY ADVERSE POSSESSION.

BECAUSE OF THE BACKGROUND TO THIS SITUATION, COUNCIL MUST NOT ALLOW THIS ILLEGAL OCCUPATION TO BE LEGITIMISED.

IF COUNCIL GOES AHEAD WITH THIS PROPOSAL & BY DOING SO LEGITIMISE THE ILLEGAL OCCUPATION IT WILL SET A DANGEROUS PRECEDENT FOR THE FUTURE.

PAGE 2 of 3

I IMPLORE THE COUNCIL TO NOT GO DOWN
THIS SLIPPERY SLOPE BUT TO UPHOLD WHAT
IS RIGHT AND LAWFUL.

DO NOT COMMENCE THE DISCONTINUANCE
PROCEDURES, BUT TO TAKE BACK THE LAND
IN QUESTION AND RESTORE IT TO THE STATUS
IT HAD PRIOR TO BEING ILLEGALLY OCCUPIED.

THE FENCE SHOULD BE KNOCKED DOWN AND
ERECTED IN THE CORRECT LOCATION.

THIS LAND IS PART OF THE GOVERNMENT
ROAD RESERVE AND IS ALSO CROWN LAND.

YOURS SINCERELY



REMO (RAY) MIOLA
123 PARK CRESCENT
WILLIAMSTOWN NORTH
VIC 3016