

7.4 PROPOSED SALE OF COUNCIL LAND AT 25 SUNHILL ROAD, MOUNT WAVERLEY

(SY:SAL:JMcA:PROP276)

Ward: Mount Waverley

Recommendation from the Committee appointed by Council

RECOMMENDATION

The Committee appointed by Council to consider written and verbal submissions received under s. 223 of the Local Government Act 1989 ("the Act") in relation to the proposal to sell by way of auction or private treaty the Council-owned land located at 25 Sunhill Road, Mount Waverley ("the land") and being the land comprised in Certificate of Title Volume 8530 Folio 991 (indicated in Attachments 1 and 2 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 recommends to Council that it resolve as follows:

- 1. Council having considered the written and verbal submissions received under s. 223 of the Act in relation to the proposal to sell by way of auction or private treaty the Council-owned land located at 25 Sunhill Road, Mount Waverley ("the land") and being the land comprised in Certificate of Title Volume 8530 Folio 991 (indicated in Attachments 1 and 2 of this report) which statutory process Council resolved to initiate at its Council meeting on 29 January 2008 resolves:-*
- 2. That the Chief Executive Officer or his delegate be authorised on behalf of Council to:-*
 - a) prepare a Plan of Subdivision pursuant to s. 24A of the Subdivision Act, 1988 ("the Plan") to remove the reservation from the land and upon certification of the Plan, lodge this with the Land Registry for registration with the title to the land to issue in the name of Council;*
 - b) commence the procedures to rezone the land from Public use (Local Government) to Residential;*
 - c) sell the land comprised within the Plan by way of public auction or private treaty at Council's appointed Valuer's valuation;*
 - d) sign and seal all documentation relevant to the registration of the Plan and sale of the land.*

INTRODUCTION

This report recommends that Council sell the Council-owned land known as 25 Sunhill Road, Mount Waverley by way of public auction or private treaty (being the land indicated in Attachments 1 and 2).

BACKGROUND

The land is vacant and is situated in a well-established residential area adjacent to a strip shopping centre. A partially un-constructed right of way abutting the southern boundary of the land separates the land from the shops.

TITLE PARTICULARS AND ZONING

The land comprised in Certificate of Title Volume 8530 Folio 991 is described as Reserve 1 on Plan of Subdivision 043625. Lodged Plan No 43625 states that the land is appropriated or set apart for recreation reserve.

The current zoning of the land is Public Use [Local Government]. Should Council proceed with the proposal to sell the land, the land will be required to be rezoned for Residential purposes.

STATUTORY PROCEDURES

Council at its meeting of 29 January 2008 resolved in accordance with Sections 189 and 223 of the Act to commence the statutory procedures to advertise its Notice of Intention to sell by way of auction or private treaty part of the Council owned land at 25 Sunhill Road, Mount Waverley.

Public Notice of Council's intention to sell was published in the Waverley Leader on 19 February 2008.

An advertising board was placed on the front of the land and letters together with a copy of the Public Notice were forwarded to nearby residents notifying them of Council's proposal.

Advice was also provided to the residents in the area with respect to their rights in accordance with s. 223 of the Act to make a written and verbal submission.

Subsequent to Council publicly advertising its Notice of Intention to Sell there have been two submissions received. Neither submitter requested to be heard.

SUBMISSIONS RECEIVED

Submission 1

The submission received by Council was from owners living on the opposite side the street and have specifically queried Council with respect to the following issues:-

- Is there a height restriction to be obeyed by any building;
- Will the land be used for Commercial purposes; and
- Would there be any restrictions on the type of business allowed on the land.

The submitters have been residing in Sunhill Road for 36 years and have enjoyed an uninterrupted view from their large front window. They do not want the view to be seriously hindered by any future building on the land. They state that the views have always contributed to the value of their property and they do not want this situation to change.

The submitters with what appears to be "commercial development" of the site in mind further contend that, from a domestic resident point of view, the parking of

cars around the area is reaching saturation point and another business in this area would only add to congestion unless some provision for off street parking is included in the approved plans.

The submitters at one stage were hoping that the land in question could be used as a car park for the increased business in the area but have indicated that this is probably not a sound economic consideration.

The submitters noted an incident several years ago when one of the businesses was a business of "ill repute" which did not fit too well in the area.

The submitters trust that the sale of the land takes into account the concerns of the residents and does not result in any discomfort from the subsequent use of the land.

Submission 2

The submitter has referred to the submission as a "planning issue objection" and objects to the removal of the "reserve" status of the Council land at 25 Sunhill Road Mount Waverley.

The submitter further advises as follows:

- Her property abuts the rear of the 'reserve' and her family would be directly affected by the possible sale of the land into private hands;
- Her daughter uses the back gate to walk to and from school everyday;
- The existing rear access was a great attraction when they bought their property about 4 years ago as the access to the local school was excellent from their house;
- If the removal of the reserve status is successful it would greatly affect the daily routine of her family;
- Her neighbour also has access to the rear of his property and uses the land everyday.

ANALYSIS

Future development of the land and traffic implications

The land is one of the properties Council considered as having the potential to be sold.

The land is located within an existing well-established residential area adjacent to a strip shopping centre. An un-constructed right of way abutting the southern boundary of the land separates this property from the shopping centre.

Should Council proceed with the sale of the land, the intention of Council would be for the land to be sold for the purposes of residential development rather than

commercial which would also require Council to attend to the rezoning of the land from Public Use [Local Government] to Residential 1. Thus the issue of provision for off-street car parking due to any commercial development of the land is not considered to be relevant.

Height restriction on future development

22 Sunhill Road is located directly opposite the strip shops which mainly consist of two storey buildings and at a distance of about 25 metres towards the south east from the subject land [shown on Attachment 2].

The land has a considerable slope to the rear that is expected to reduce the effective height of any future development of the land should a potential buyer propose a two storey residence. This being the case it could be that a future development of the land will not significantly detract from the views currently enjoyed by residents.

Any future residential development on the land will have to satisfy the current requirements of Building and Planning legislation before any permits are issued for construction. Height restrictions on future residential development can be addressed by Council during the design and approval process.

Pedestrian access via the land

One of the residents in Alice Street whose property abuts the rear of the land has advised that not only they, but also another adjoining property enjoy access from their properties across the land to Sunhill Street.

Should Council proceed with this proposal the owners of No 36 Alice Street will need to walk along Alice and Richards Streets for an extra distance under 200 metres.

The rear gates at 38 Alice Street open directly onto the abutting right of way. Accordingly, their access into Sunhill Road or Birch Street will not be impeded.

Abutting Right of Way

The abutting un-constructed right of way will be constructed to provide proper access for current and future users and could be utilised as a pedestrian access.

FINANCIAL IMPLICATIONS

As previously mentioned, Council at its meeting on 29 January 2008 considered the suitability of the land for sale and subsequently commenced the statutory procedures required under the Act to notify residents of Council's Notice of Intention to Sell.

Should Council resolve that this proposal proceed, the net return on the sale of the land would form part of the funding allocation for a new Pavilion at the nearby Electra Reserve.

It is anticipated that the land could yield a net amount in the vicinity of \$500,000 from which there will be a cost estimated at \$35,000 set aside for the purpose of constructing the adjoining right of way.

Prior to any sale proceeding, Council will require to seek a formal valuation of the land by an independent Valuer appointed by Council.

IMPLEMENTATION

If Council resolves to sell the land, it will be necessary to undertake the following procedures prior to the land being sold:-

1. prepare and lodge with Council's Planning Department for certification a Plan of Subdivision in accordance with s. 24A of the Subdivision Act, 1988 to remove the reservation from the land;
2. upon certification lodge the certified Plan with the Land Registry for registration with the title to issue in the name of Council.
3. rezone the land from Public Use [Government] to Residential.

CONCLUSION

Council needs to consider whether or not to proceed with the sale of the land known as 25 Sunhill Road, Mount Waverley. The land is vacant and is considered surplus to the requirements of Council.