

5.7 PROPOSAL TO VEST IN COUNCIL THE DRAINAGE RESERVE ABUTTING THE REAR OF 1 AND 3 HOTHAM STREET AND 130 – 138 KANGAROO ROAD, HUGHESDALE (PROP278:JE:JMCA)

Ward: Oakleigh

Responsible Director: Paul Kearsley

RECOMMENDATION

That Council resolves to:-

- 1. Commence the procedures to vest in Council the drainage reserve abutting the rear of 1 and 3 Hotham Street and 130 – 138 Kangaroo Road, Hughesdale;*
- 2. Apply to the Registrar of Titles to have the drainage reserve vested in Council under section 24A of the Subdivision Act 1988 whilst retaining the current status of the land as a drainage reserve; and*
- 3. Authorise the Chief Executive Officer or his delegate, on behalf of Council, to sign and seal all relevant documentation required to vest the drainage reserve in Council.*

INTRODUCTION

It is proposed that Council commence the procedures to have the drainage reserve abutting the rear of 1 and 3 Hotham Street and 130 – 138 Kangaroo Road, Hughesdale vested in Council pursuant to section 24A of the *Subdivision Act 1988*.

This parcel of land has been designated as a drainage reserve in Certificate of Title Volume 1762 Folio 232.

BACKGROUND

The drainage reserve abutting the rear of 1 - 3 Hotham Street and 130 – 138 Kangaroo Road, Hughesdale is still contained within Certificate of Title Volume 1762 Folio 232 registered in the name of the original subdivider.

A caveat in favour of Joseph Styler (as mortgagee) was registered on title on 13 May 1891. Given the date of the caveat, it is likely it will lapse upon registration of Council as registered proprietor under section 24A of the *Subdivision Act 1988*.

The land is zoned Residential 1 and is subject to a Special Building Overlay within the Monash Planning Scheme.

The drainage reserve is currently occupied by the owners of the abutting properties. Following the registration process Council will contact the occupiers regarding possible purchase of the land.

IMPLEMENTATION

Council will need to appoint a surveyor to prepare a textual plan in accordance with section 24A of the *Subdivision Act 1988* and apply for a planning permit to vest the drainage reserve in Council. Council will then need to make an application to the Registrar of Titles to have the land vested in Council under section 24A of the *Subdivision Act 1988*.

CONCLUSION

Although the drainage reserve is still registered in the name of the original subdivider, the land has been set aside for the purposes of a drainage reserve.

Accordingly, it is appropriate for Council to undertake the above procedure to vest the land in Council.