

## **5.8 FORMER ROAD RESERVE ABUTTING THE FRONT OF 54 – 56 & 59 – 61 BALES STREET, MOUNT WAVERLEY**

(TRAF181: JE:JMCA)

Ward: Mount Waverley

Responsible Director: Paul Kearsley

### ***RECOMMENDATION***

*That Council:-*

- 1. Transfers the former road reserve abutting the front of 54 - 56 and 59 – 61 Bales Street, Mount Waverley, to itself (which land vested in Council pursuant to Victoria Government Gazette Notice dated 2 August 2007 and being the land indicated on the plans attached to this report as Attachments A and B);*
- 2. Authorises the Chief Executive Officer, or his duly appointed delegate, to prepare and sign a Transfer of Land and all other documentation required to effect registration of the land by the Registrar of Titles in the name of Monash City Council;*
- 3. Upon registration, recommence negotiations with the abutting property owners occupying the land.*

### ***INTRODUCTION***

This report proposes that Council become the registered proprietor of the portion of road vested in Council on 2 August 2007 abutting the front of 54 – 56 and 59 – 61 Bales Street, Mount Waverley and that upon registration, recommence negotiations with the abutting property owners.

### ***BACKGROUND***

In March 2007, Council was approached by surveyors, G.N Shaw & Associates, acting on behalf of the owner of 59 – 61 Bales Street, Mount Waverley regarding the purchase of part of the road reserve in front of their client's property. In correspondence to Council, the surveyors advised that their client had built the residence on the property in 1956 and had, at that time, erected a fence enclosing part of the road reserve within his property.

A site inspection confirmed that the portion of the road reserve abutting the front of 59 – 61 Bales Street is still fenced. The road reserve abutting the front of 54 and 56 Bales Street is unfenced but appears to form part of the front yard of both properties.

Council at its meeting of 5 June 2007, resolved to commence the statutory procedures to discontinue the road status of the road reservation occupied by the property owners of 54 – 56 and 59 - 61 Bales Street, Mount Waverley. Council resolved to authorise the Chief Executive Officer or his delegate, upon vesting of the land, to enter into negotiations with the abutting property owners and to sell the land at Council's valuation.

On 2 August 2007, the land vested in Council upon publication of the Notice of Discontinuance in the Victoria Government Gazette.

Negotiations were entered into between Council and the abutting property owners and a proposal to sell the land from the discontinued road was put to each of the abutting property owners in August 2007. Despite subsequent discussions, the land from the former road reserve remains unsold.

### ***IMPLEMENTATION***

Upon registration of Council as the registered proprietor, it is then proposed that Council recommence negotiations with each of the abutting property owners. A notice would also be placed on Council's rating records which would indicate to any successor in title that the land is owned by Council giving Council flexibility to enter into negotiations with those parties at a later date in the event that negotiations with the current owners are unsuccessful.

### ***CONCLUSION***

It is considered that Council should proceed with an application to the Registrar of Titles to have the title to the land transferred in accordance with this report.