

5.7 PROPOSAL TO VEST IN COUNCIL THE DRAINAGE RESERVE ABUTTING 12 AND 14 QUEENS AVENUE, OAKLEIGH (PROP497:SY:JMCA)

Ward: Oakleigh

Responsible Director: Don Cameron

RECOMMENDATION

That Council resolves to:

- 1. Commence the procedures to vest in Council the drainage reserve abutting 12 and 14 Queens Avenue, Oakleigh;*
- 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 12 and 14 Queens Avenue, Oakleigh 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 1757 Folio 296.

BACKGROUND

The drainage reserve abutting 12 and 14 Queens Avenue, Oakleigh is still contained within Certificate of Title Volume 1757 Folio 296 registered in the name of the original subdivider. This drainage reserve is 1.50m wide and contains a 600mm diameter drain.

The drainage reserve is zoned Residential 1 and subject to a Special Building Overlay under the Monash Planning Scheme. It is currently occupied by the owners of 14 Queens Avenue Oakleigh and it appears that they have built sheds and fencing over the drainage reserve. 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 textural 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.