

5.20 PROPOSED SALE OF COUNCIL OWNED LAND AT 28 BARLYN ROAD, MOUNT WAVERLEY

(PROP229: SY; JWP)

Ward: **Mount Waverley**

Responsible Director : Don Cameron

RECOMMENDATION

That Council acting under Sections 189 and 223 of the Local Government Act, 1989 ("the Act")

- 1. Commences the statutory procedures to advertise Council's intention to sell the Council owned vacant land at No. 28 Barlyn Road, Mount Waverley ("the land") being the land indicated in Attachments 1 and 2 of this report;*
- 2. Appoints a Committee of Council to consider s.189 submissions received on the proposed sale, on Tuesday 6 May, 2008 at 7.30 pm at the Civic Centre;*
- 3. Authorises the Chief Executive Officer or his delegate, on behalf of Council to:-*
 - a) Sell the land either by way of public auction or by private treaty in the event of there being no submissions received, with such sale being subject to a planning permit being issued for the removal of the reserve reservation from the land in accordance with s. 24A of the Subdivision Act, 1987 and subsequent registration of the Plan by the Land Registry; and*
 - b) Sign and seal all documentation required to effect sale of the land.*

INTRODUCTION

The purpose of this report is to seek Council approval to commence the statutory procedures to sell the Council owned vacant land at 28 Barlyn Road, Mount Waverley (shown on Attachment 1) by public auction or private treaty.

BACKGROUND & DISCUSSION

The Council-owned property at 28 Barlyn Road, Mount Waverley is a vacant Residential Allotment. It is located among established residential properties and is currently zoned Residential. It is located among established residential properties and currently zoned as Residential. It's location means that it has low use as a recreation reserve.

However, its title has a notation 'reserve for municipal purposes'. Consequently, any sale of the land as a residential allotment will require the issue of a s.24A Planning permit for removal of the reserve status.

POLICY IMPLICATION

Although this vacant land is maintained by Council, there is no foreseeable Council use for the land. Hence the suggested sale of the land accords with policy for Council's Asset Realisation Program and the net funds raised from

the sale are to partially fund the proposed new Pavilion building on Electra Reserve.

FINANCIAL IMPLICATION

If Council proceeds with the sale of this land comprising an approximate area of 960m², it is anticipated that the land could yield in excess of \$600,000. This estimate is subject to a formal valuation by Council's Valuer.

IMPLEMENTATION

Council is required to give public notice of its proposal to sell the land by public auction or private treaty in accordance with s. 189 and s.223 of the Local Government Act, 1989 and invite submissions from affected parties before marketing the property. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise withdraw the proposal.

In addition, the issue of a S.24A planning permit to remove the reservation designation on the subject property will need to be undertaken by relevant Council Officers.

EXTERNAL CONSULTATION

Apart from the above statutory public advertising, all relevant Council departments, Service and Statutory Authorities will be consulted concerning the existence of any assets and requirements with regards to easements.

CONCLUSION

As the property is not expected to be required for future Council use, it is suggested that Council indicate that it proposes to sell the property by commencing the necessary statutory processes.