

**1.7 SALE OF 14-16 ATKINSON STREET CHADSTONE**

Responsible Director: Peter Panagakos

**RECOMMENDATION***That Council:*

1. *Notes the history of the previous reports to Council and that Council completed the statutory procedures for community consultation on the proposal to sell 14-16 Atkinson Street, Chadstone, Victoria, 3148 (the Site) in March 2018 and that the auction of the Site proposed for March 2020 was postponed due to the restrictions imposed by the Victoria State Government in managing the COVID-19 pandemic.*
2. *Notes that it has been 3 years since Council originally completed the statutory procedures for community consultation on the proposal for the sale of the Site in March 2018.*
3. *Given item 2 above, agrees to re-commence the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 (the Act) regarding Council's proposal to sell the Site(s) being the land described in the table below:*

<b>Lot on PS8883</b>	<b>Certificate of Title</b>	
124	Volume 5465	Folio 880
125	Volume 4995	Folio 905
126	Volume 6331	Folio 163
127	Volume 7508	Folio 033

*("the Proposal")*

4. *Agrees to give public notice of the Proposal in accordance with Sections 189 and 223 of the Act in a newspaper and on Council's website from 27 February 2021 and invite submissions on the Proposal by no later than 26 March 2021.*
5. *Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 233 of the Act in respect of the Proposal.*
6. *Appoint a Committee of Council comprising the Mount Waverley Ward Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act at a special meeting of the Committee of Council at a date, time and place to be fixed.*
7. *Directs that following the hearing and consideration of submissions by the Committee of Council, or if no submissions are received, the Committee of Council prepare a report to Council on the outcome of its proceedings and seek a decision of Council on whether or not to proceed with the Proposal.*

## INTRODUCTION

The purpose of this report is to seek Council's approval to re-commence the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 (the Act) for the sale of its land at 14-16 Atkinson Street, Chadstone (former site of the North Oakleigh Tennis Club) (the Site).

## BACKGROUND

The Site has been the subject of previous reports to Council which discussed commencing the statutory procedures for the sale and rezoning of the Site due it becoming vacant with the relocation of the North Oakleigh Tennis Club to Caloola Reserve. The reports also discussed the outcome of community consultation. A summary of the particular reports is provided in the *Discussion* section of this report.

Having complied with the statutory procedures for both the sale and rezoning processes, the Site was prepared for sale and in late 2019, selling agents were appointed to commence marketing of a public auction of the Site proposed for 27 March 2020. However, the auction was cancelled due to the restrictions imposed by the Victoria State Government in managing the COVID-19 pandemic and the marketing of the Site was put on hold.

With the auction restrictions lifted and the property market showing signs of recovery, Council is again able to commence the marketing of the sale of the Site by public auction.

However, due to the length of time that has lapsed since Council completed the statutory procedures for the sale of the Site in 2018, Council's legal representatives have advised that Council should re-commence the statutory procedures for the sale of the Site in accordance with Sections 189 and 223 of the Act in order for Council to have confidence that there has been no material change in circumstances within the community to the proposal for sale of the Site.

## DISCUSSION

### History of previous Council Reports

Council Meeting	Report Item No.	Report Title/Purpose/Decision
29 August 2017	2.3	<p><b>Title</b> Community Consultation Outcomes – Proposed Tennis Courts at Caloola Reserve, Oakleigh</p> <p><b>Purpose</b> <i>"... to advise Council of the results of the community consultation undertaken as part of the proposal to install</i></p>

		<p><i>eight new tennis courts with LED lighting at Caloola Reserve located at 88A Drummond Street, Oakleigh (Caloola Reserve) to accommodate the relocation of Oakleigh Tennis and North Oakleigh Tennis Clubs.</i></p> <p><i>...to commence the process for the rezoning and sale of 14-16 Atkinson Street, Chadstone which is the current site of the North Oakleigh Tennis Club.”</i></p> <p><b>(Relevant) Decision of Council</b></p> <p><b>“Resolution Number 6 –</b></p> <p><i>6. Commences the statutory process to sell the land at 14-16 Atkinson Street, Chadstone ... and appoints a Committee of Council comprising Mount Waverley Ward Councillors to consider submissions received under Section 223 of the Local Government Act at a time and date to be fixed.... and authorises the Chief Executive Officer or her delegate on behalf of Council to sign and seal all documentation required to effect a sale of the land; ...</i></p>
27 March 2018	7.1	<p><b>Title</b> Proposed Land Sale at 14-16 Atkinson Street, Chadstone</p> <p><b>Purpose</b> To make a recommendation on the outcome of the Section 223 Local Government Act process and recommend the next steps in the process following consideration of the submission received.</p> <p><b>Decision</b>  <ol style="list-style-type: none"> <li><i>“ 1. Having considered the submission received under Section 223 of the Local Government Act resolves to sell the Council land at 14-16 Atkinson Street, Chadstone.</i></li> <li><i>2. Request that the Minister for Planning authorise Council to prepare an amendment to the Monash Planning Scheme under Section 20(2) of the Planning and Environment Act 1987 to rezone the land to General Residential – Schedule 2 and apply the Vegetation Protection Overlay – Schedule 1.</i></li> <li><i>3. Subject to the land being rezoned from Public Use Zone – Local Government (PUZ6) to General Residential – Schedule 2 and the Vegetation Protection Overlay – Schedule 1, authorise the Chief Executive Officer or her delegate on behalf of Council to sign and seal all documentation required to effect the sale of the land.”</i></li> </ol> </p>
31 July 2018	1.5	<p><b>Title</b> Amendment C144 – Rezoning of land at 14-16 Atkinson Street, Chadstone</p>

		<p><b>Purpose</b></p> <p>To consider the result of the community consultation on the proposed amendment to rezone land at 14-16 Atkinson Street, Chadstone from the Public Use Zone (PUZ6) to the General Residential Zone (GRZ2) and to apply the Vegetation Protection Overlay (VPO1) in order to facilitate the sale of the land.</p> <p><b>Decision</b></p> <p><i>“ That Council:</i></p> <ul style="list-style-type: none"> <li>• <i>Notes that Amendment C144 to the Monash Planning Scheme was exhibited from 31 May to 2 July 2018 and no submissions were received.</i></li> <li>• <i>Adopts Amendment C144 to the Monash Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.</i></li> <li>• <i>Authorises the Director of City Development (or delegate) to finalise the amendment documentation for Ministerial approval.</i></li> <li>• <i>Submits the amendment to the Minister for Planning pursuant to Section 31 of the Planning and Environment Act 1987 for approval.”</i></li> </ul>
26/11/2019	9.3	<p><b>Title</b></p> <p>Confidential – Sale of 14-16 Atkinson Street, Chadstone – Setting of Reserve Sale Price.</p>

### **The Site**

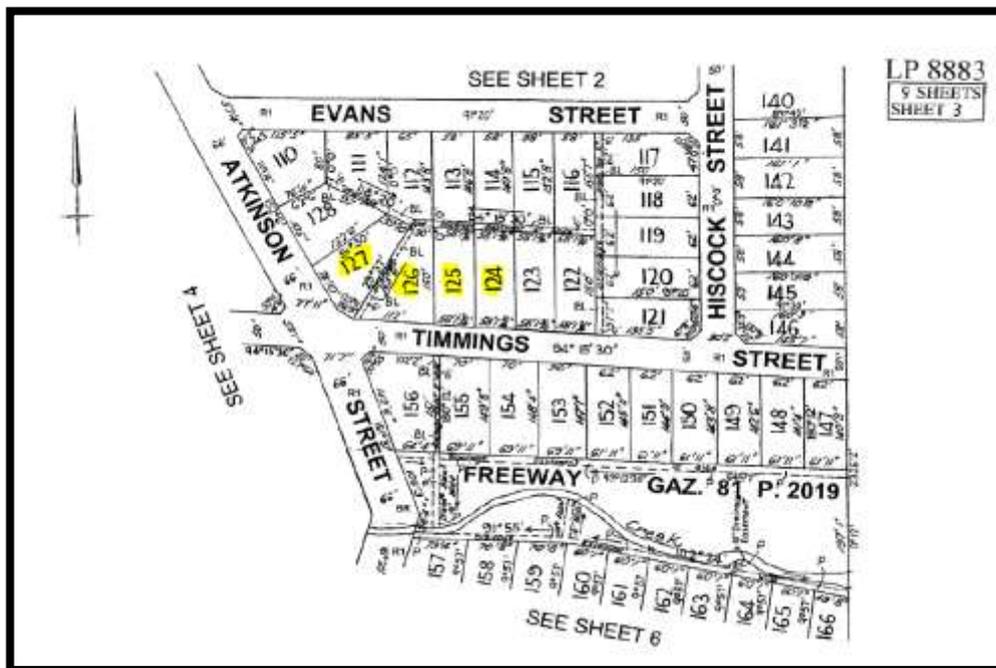
The improvements on the Site consist of a small infrequently used playground along with three tennis courts and club room previously occupied by the North Oakleigh Tennis Club. The North Oakleigh Tennis Club relinquished its rights to the Site and its facilities on 24 August 2019 and have relocated to Caloola Reserve.

Subject to the sale of the Site, the purchaser will be required to attend to the removal of any remaining improvements on the Site at their own cost.

The Site is identified in the Aerial image below. It is made up of four separate lots on plan of subdivision 8883 also shown below.



**Plan of Subdivision 8883**



**Site Particulars**

Address	14-16 Atkinson Street Chadstone, Vic, 3148		
Legal Description	Lot on PS8883	Certificate of Title	
	124	Volume 5465	Folio 880
	125	Volume 4995	Folio 905
	126	Volume 6331	Folio 163
Areas:	127	Volume 7508	Folio 033
	3542m2 made up as follows: Lot 124 – 810m2 Lot 125 - 810m2 Lot 126 – 977m2		

	Lot 127 – 945m2
Zoning and Overlays	Lots 124, 125 and 126 are in a General Residential Zone – Schedule 2. Vegetation Protection Overlay - Schedule 1.  Lots 127 is in a General Residential Zone – Schedule 3. Vegetation Protection Overlay – Schedule 1.
Current use:	Vacant

### **The Statutory Process**

When selling Council land, Council must comply with section 189 of the Act. At this stage of the sale process, the relevant sections of section 189 are, sections (2) (a) and (3) which stipulates the following:

*(2) Before selling or exchanging the land the Council must—*

*(a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land.*

*(3) A person has a right to make a submission under section 223 on the proposed sale or exchange.*

To comply with these sections, a public notice of the proposal to sell the Site will be published in newspapers and on Council's website.

The public notice will invite submissions on the proposal in accordance with section 223 of the Act and submitters may request to be heard by a Committee of Council prior to a decision being made on the proposal. Submissions will need to be received within 28 days of the date of the public notice.

At the end of the public notice period, a Committee comprising the Mount Waverley ward Councillors will meet to hear and consider any submissions.

The Committee will then prepare a report to Council on the outcome of their proceedings and seek a decision of Council as to whether the proposal for sale will proceed or not.

### ***POLICY IMPLICATIONS***

The sale of the Site aligns with Council's direction to foster confident and connected communities by maximising the use of Council's local facilities for a diverse range of programs, activities and opportunities.

The sale demonstrates Council's commitment to planning for financial sustainability in accordance with the 2017-2021 Council Plan.

***CONSULTATION***

The statutory procedures will include publication of a public notice in newspapers and on Council's website.

Council has previously consulted with its community on the sale of the Site.

In addition, the Site was actively marketed by the appointed real estate agents, Knight Frank and a sign was placed on the land for a period of at least 4 weeks prior to it being removed due to postponing the auction. Council did not receive any reactions from the community regarding the sale during this time.

***CONCLUSION***

By re-commencing the statutory procedures mentioned above, Council will have confidence that there has been no material change in circumstances within the community to the proposal for sale of the Site.