5.8 PROPOSED SALE OF PART OF 2 STANLEY AVENUE MOUNT WAVERLEY

Ward: Mount Waverley
Responsible Director: Paul Kearsley

RECOMMENDATION

1. That Council, pursuant to sections 189 and 223 of the Local Government Act 1989 (“the Act”):

   a. Commences the statutory procedures to sell the part of its land located at 2 Stanley Avenue Mount Waverley, being the land shown as Parcel 2 on the proposed subdivision plan on Attachment 3 (“the Land”) by advertising Council’s Notice of Intention to subdivide and sell the Land by public auction or private treaty in the local newspapers; and

   b. Appoints a Committee of Council, comprising the Mount Waverley Ward Councillors to consider submissions received under section 223 of the Act on 15 February 2011 at 7.30 pm at the Civic Centre or as per nominated date.

2. In the event of there being no submissions received, authorises the Chief Executive Officer or his delegate, on behalf of Council to:

   a. subdivide the property in accordance with section 35(8) of the Subdivision Act 1988 into 2 allotments as detailed in Attachment 3, with the balance of the land to remain as Road;

   b. Sell the Land either by way of public auction or private treaty; and

   c. Sign and seal all documentation required to effect the sale of the Land.

INTRODUCTION

This report considers subdividing and selling part of Council land at 2 Stanley Avenue, Mount Waverley by public auction or private treaty.

BACKGROUND

Council on 6 October 2009 considered a report on the future of the land at the rear of 12–34 Sadie Street Mount Waverley and in part recommended that a report be submitted on the sale of the rear of 2 Stanley Avenue (“the Land”).
The irregular shaped Council property at 2 Stanley Avenue is contained in two Certificates of Title Volume 8748 Folio 122 and Volume 9842 Folio 348. It has a total area of 5,780m² and is zoned Residential 1. The site is not subject to a Vegetation Protection Overlay under the Monash Planning Scheme.

The property contains Council’s Nara Preschool with an associated playground, carpark and constructed access roads from both Stanley Avenue and Sadie Street. The Preschool is located in the central section of the property. The eastern section of the property contains the eastern access road and the remaining area is a vacant and unused grassed area of approximately 1,800m² (shown on attached aerial map and as Parcel 2 and hatched on Attachment 3).

**DISCUSSION**

The Land abuts established residential allotments to the north and east and Monash Freeway to the south. The site is situated in close proximity to many other Council owned open space and reserves such as Stanley Avenue Reserve, Mayfield Park and other open space areas along Scotchmans Creek corridor.

The vacant part of the property is not utilised for any Council purpose and is not anticipated to be required for any future Council use. Accordingly, the Land is considered surplus and appropriate for public sale.

The sale of the subject land is achievable by subdividing the property into two allotments with road access from Sadie Street via the existing access road. It is proposed to sell the land shown as Parcel 2 and hatched on Attachment 3, by way of public auction or private treaty. Parcel 1 will continue to be used as a Preschool with existing road access and associated carparks being maintained.

The sewer and water lines servicing the preschool building are currently located in the land area proposed to be sold. If the proposal proceeds these services will be relocated to the road reserve area, enabling the Land to be sold unencumbered.

**FINANCIAL**

If Council proceeds with a sale of the Land, Council would consider a formal valuation for the sale. Proceeds from the sale would be utilised to supplement funding for the Oakleigh Aquatic Centre.

**IMPLEMENTATION**

Council is required to give public notice of its intention to sell the Land pursuant to Section 189 of the Act. Nearby property owners and occupiers will be notified and Notices will be placed on site and in the local newspapers. The public Notice will invite submissions in accordance with Section 223 of the Act and submitters may request to be heard by Council prior to a decision being made to proceed or otherwise withdraw the proposal.

Should submissions be received, a Committee of Council will need to convene to consider submissions and report back to Council for further consideration.
If no submissions are received, it is appropriate for Council to authorise the Chief Executive Officer or his delegate on behalf of Council to proceed with the sale of the Land.

If Council resolves to sell the land, it will be necessary to undertake the following procedures prior to the land being sold:

- Preparation of a Plan of Subdivision in accordance with Section 35(8) of the Subdivision Act 1988, to subdivide the land into 2 allotments and declare the remaining section as a Road. This plan would require certification by Council’s Planning Department;

- Lodgement of the Certified Plan with the Land Registry for registration; and

- Relocation of the sewer and water services servicing the preschool under the footpath in the proposed road reserve area.

**CONCLUSION**

It is considered in order to commence the s. 223 consultation process and proceed in accordance with the recommendation.