

7.1 PROPOSED LAND SALE AT 14-16 ATKINSON STREET, CHADSTONE (JM:MG)

Committee Report from Mount Waverley Ward Councillors

RECOMMENDATION

That Council:

- 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.*
- 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.*
- 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.*

INTRODUCTION

The purpose of this report is 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.

BACKGROUND

Council on 29 August 2017 resolved amongst other matters to commence the statutory process to sell the land situated at 14-16 Atkinson Street, Chadstone and appoint a Committee of Council comprising Mount Waverley Ward Councillors to consider any submissions received under Section 223 of the Local Government Act.

A Notice of Intention to Sell the land was published in the Monash Leader on 23 January 2018 and on Council's website indicating that any person may make a written submission to Council by 21 February 2018. It also identified that any submission received would be considered at a meeting of a Committee of Council comprising Mount Waverley Ward Councillors on Tuesday 13 March, 2018.

One written submission was received and the Committee considered the submission. The submitters did not request to be heard.

DISCUSSION

The submission received by email states:

We refer to our letter to you of 24 July 2017, in which we expressed our great concern in relation to the proposed sale of the land at 14-16 Atkinson Street, Chadstone which I hand delivered to the Council Chambers at Glen Waverley (copy attached for your reference).

We feel very strongly about the changing “culture” and balance of our suburb and the seemed need of Council to sell up any “spare” property as soon as possible without it appears reflecting on the future needs of the community and nature of the area. Once these areas or Council assets are gone – they are gone for everyone in the community such assets are impossible to replace.

We feel very strongly that the NOTC property should be retained – if not specifically as a tennis court, but be utilized for other school/community groups – as we are sure there are many community groups or schools wishing to have use of an area such as this.

We do hope Council will reconsider the decision to proceed down this path to sell the property.

The letter referred to of 24 July 2017 raises the same issues as above although it states that nearby property owners brought and built in the area believing that the tennis courts and parkland would remain in perpetuity.

Response:

The relocation of both Oakleigh Tennis and North Oakleigh Tennis Clubs to Caloola Reserve enables Council to rationalise ageing tennis infrastructure at the two clubs whilst consolidating tennis assets in the immediate area to ensure the long-term viability and sustainability of tennis in the area.

The relocation of tennis will provide improve design outcomes for Oakleigh Recreation Centre and see the development of new tennis courts and a multi-purpose facility for tennis and the existing tenant clubs at Caloola Reserve. Additional reserve improvements including development of a circular walking track around the playing field, installation of hot shots courts and a basketball half court, sealed car parking, fitness stations and reserve furniture would also be considered as part of Stage 2 and 3 works. This is an opportunity for Council to improve recreational facilities and outcomes for the community at both Oakleigh Recreation Centre and Caloola Reserve.

The land at 14-16 Atkinson Street will become vacant after North Oakleigh Tennis Club relocate to Caloola Reserve. There is no identified need to retain the site for tennis or other community usage. The site will no longer significantly contribute to Council’s current or future service delivery needs and will then be considered surplus to Council’s requirements.

It is noted that there is a bike path opposite the land running along the northern side of the Monash freeway and large parcels of Open Space to the south at Caloola Reserve and Scotchman’s Creek Linear Park which runs along Scotchman’s Creek. The Oakleigh Recreational Centre and Oakleigh Public Golf Course are also located to the south. The properties referred to in the submission that have been historically sold were residentially zoned blocks of vacant land surplus to municipal purposes.

Other sale considerations

Prior to sale, consideration must also be given to the principles outlined in the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land including other potential matters that should be addressed before deeming that the land is surplus to Council’s requirements and offering it for sale.

These principles have either been addressed or will be addressed as part of the statutory process to sell the land as follows:

| Best Practice Consideration | Response |
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| Ensuring that there is no other use by Council for the land prior to selling | The land will become vacant after North Oakleigh Tennis Club relocate to Caloola Reserve. There is no identified need to retain the site for tennis or other community usage. The site will no longer significantly contribute to Council's current or future service delivery needs and will be considered surplus to Council's requirements. |
| Ensuring that the land offered for sale is sold at its highest and best use | Rezoning the land from Public Use Zone: Local Government (PUZ6) to General Residential 2 with a Vegetation Protection Overlay (VPO) similar to surrounding land. |
| Presentation of the land to expose its best attributes | If the land is to be sold Council will consider the best method including whether the land is sold free of any buildings or as is. |
| The optimum development potential of the land should be considered for sale (this may include a feasibility study) | Council will base its valuation on the highest and best use of the land. As the land would be residentially zoned it is foreseen that an appropriate residential development subject to all necessary approvals would be the likely outcome. |
| Preparation of a section 173 agreement or other means should Council wish to control the future use of the land | If the land is sold, then it will be sold without a section 173 Agreement and will be subject to the usual planning considerations. It is appropriate that the land be able to be developed in the same fashion as other residential properties in the surrounding area. |
| Any environmental reports should be obtained where there is a possible contamination and if so, preparing a strategy for its remediation | Environmental investigations may be made as appropriate. |

Zoning of the land

The land is currently zoned Public Use Zone 6 – Local Government. Should Council determine to sell the land, this zone is would no longer be appropriate. The land would need to be rezoned to the surrounding zone, in this case General Residential – Schedule 2 and also be included in the Vegetation Protection Overlay – Schedule 1.

Advice from representatives from the Department of Environment, Land Water and Planning has been that as the rezoning relates to the sale of surplus Council land, which has already been through a statutory consultation process, the amendment to rezone the site could be undertaken as an administrative rezoning with limited notification to statutory Ministers. On this basis it is recommended that Council write to the Minister for Planning requesting that he authorise Council under Section 20(2) of the Planning and Environment Act to effect the rezoning of the site without further public notification.

Discussions have occurred with the Department of Environment, Land, Water & Planning and it is estimated that this process could take approximately 6 to 8 months to process the rezoning.

SOCIAL IMPLICATIONS

The consultation regarding the proposal to relocate the tennis clubs to improve facilities at Caloola Reserve has provided significant opportunities for community participation. This consultation process has provided valuable input into the proposed and future works at Caloola Reserve. The consultation has value added to the future development proposals improving local amenity, recreational outcomes, noise considerations, lighting and pedestrian accessibility to Caloola Reserve.

CONSULTATION

This report is an outcome of the public notification process previously referred to in this report which resulted in one written submission received. It is further noted that although separate re-zoning process will be completed prior to selling the land there is no further community consultation proposed.

FINANCIAL IMPLICATIONS

Sale of the land will contribute towards the Caloola Reserve upgrade of recreational facilities and other community projects in the area.

CONCLUSION

Following consideration of the submission received and having regard to the land becoming vacant after the North Oakleigh Tennis Club relocates to Caloola Reserve, there is no identified need to retain the site for tennis or other community usage and the site will no longer significantly contribute to Council's current or future service delivery needs. Accordingly sale of the land is recommended.