

1.6 PROPOSED SALE OF COUNCIL LAND TO ABUTTING LANDOWNER AT 64 GOLF LINKS AVENUE, OAKLEIGH

Responsible Director: Peter Panagakos

Responsible Committee: Committee of Councillors appointed by Council, comprising Oakleigh Ward Councillors and the Mayor

RECOMMENDATION:

That Council:

1. *Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to the sale of Lot 13 on TP023758V being an 11m2 parcel of land comprised in Certificate of Title Volume 11654 Folio 925 located at the rear of 64 Golf Links Avenue and 23 Best Street, Oakleigh (the Land) as shown in the plan in Attachment 1 to this report, by private treaty to the abutting landowner at 64 Golf Links Avenue, Oakleigh (the Proposal).*
2. *Notes the S.223 Committee met on Tuesday 13 April 2021 to hear and consider submissions received in respect of the Proposal and notes that there were no submissions received.*
3. *Accepts the Committee's recommendation to proceed with the sale of Lot 13 on TP023758V comprised in Certificate of Title Volume 11654 Folio 925 to the adjoining landowner at 64 Golf Links Avenue, Oakleigh.*
4. *Having complied with its obligations under S.223 of the Local Government Act 1989, authorises the Chief Executive Officer or her delegate to sign all documentation required to effect the sale of the Land.*

INTRODUCTION

This report considers the outcome of the public notification process pursuant to s.223 of the Local Government Act 1989 (Act) for the sale of Lot 13 on TP023758V being an 11m2 parcel of land comprised in Certificate of Title Volume 11654 Folio 925, located at the rear of 64 Golf Links Avenue and 23 Best Street, Oakleigh (the Land) by private treaty to the abutting landowner at 64 Golf Links Avenue, Oakleigh.

The Land is shown in Attachment 1 to this report.

BACKGROUND

At the ordinary Council meeting on 27 January 2021, Council considered a report on the proposed sale of the Land to the abutting landowner at 64 Golf Links Avenue, Oakleigh.

The report discussed the history of the discontinuance of the laneway that resulted in the creation of this particular parcel of Land and the request from the owner of 64 Golf Links Avenue to purchase it.

Council resolved as follows:

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1. *Notes that Council owns Lot 13 on TP023758V being an 11ms parcel of land comprised in Certificate of Title Volume 11654 Folio 925 located at the rear of 64 Golf Links Avenue and 23 Best Street, Oakleigh (the Land) (refer Attachment 1 – Locality Plan).*
2. *Notes the interest of the adjoining landowners at 64 Golf Links Avenue, Oakleigh in purchasing the Land contained in Point 1 from Council by private treaty (the Proposal”).*
3. *Give public notice of the Proposal in accordance with Section 189 of the Local Government Act 1989 (the Act) in a newspaper and on Council’s website from Thursday 04 February 2021 and invite submissions on the Proposal.*
4. *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 223 of the Act in respect of the Proposal.*
5. *Appoint a Committee of Council comprising the Mayor and the Oakleigh Ward Councillors to hear any submitters requesting to be heard and consider any submissions received under Section 223 of the Act at a time and place to be fixed.*
6. *Directs that following any hearing and consideration of submissions by the Committee of Council, or if no submissions are received, the Committee of Council report back to Council on its proceedings and a summary of the hearings following the Section 223 process and seek a decision on whether or not to proceed with the sale of the Land.*
7. *Advise the owner of 64 Golf Links Avenue, Oakleigh that should the sale of the above Land proceed, the sale should not be construed as endorsement of any future development proposal on the site that may be lodged with Council as the planning authority.”*

DISCUSSION**Public Notification**

In accordance with item 3 of the abovementioned Council report, a public notice advising of Council’s intention to sell the Land to the abutting property owner at 64 Golf Links Avenue, Oakleigh was published in newspapers and on Council’s website calling for submissions on the proposal.

Public Response

There were no enquiries and no written submissions received during the public notification period and no subsequent submissions have been received.

S.223 Committee Meeting

The S.223 Committee met at 7:00pm on 13 April 2021 to consider the outcome of the above public notification process.

Mayor Cr Brian Little, Cr Stuart James and Cr Theo Zographos comprised the S.223 Committee appointed by Council. Cr Josh Fergeus was an apology.

The agenda for the S.223 Committee was to hear and consider all submissions received.

There were no submissions.

The outcome of the S.223 Committee was as follows:

“To recommend to Council that:

1. *Council proceed with the sale of Lot 13 on TP023758V comprised in Certificate of Title Volume 11654 Folio 925 to the adjoining landowner at 64 Golf Links Avenue, Oakleigh.*

POLICY IMPLICATIONS

There are no policy implications with the proposal to proceed to sell the Land to the abutting landowner.

CONSULTATION

As referred to above, the public notification process of the Intention to sell the Land to the abutting landowner has been completed in accordance with the Section 223 of the Act and no submissions were received.

FINANCIAL IMPLICATIONS

The Land will be sold at market valuation completed by Council’s valuer and in accordance with Section 189(a) of the Act which requires that a valuation will not be more than 6 months old at the day of sale.

RECOMMENDATION

It is recommended that Council accepts the Committee of Council’s recommendation to proceed with the sale of Lot 13 TP023758V to the abutting landowner at 64 Golf Links Avenue, Oakleigh.

ATTACHMENT 1 - Locality Plan of the Land

Legend

	The Land – (Lot 13 on TP023758V being an 11m ² parcel of land comprised in Certificate of Title Volume 11654 Folio 925)
	Land from former Road sold by Council to adjoining landowners
	Land from former road that remains unsold

