

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

Responsible Director: Peter Panagakos

That Council:

1. *Notes that Council owns 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) (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 233 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.*

INTRODUCTION

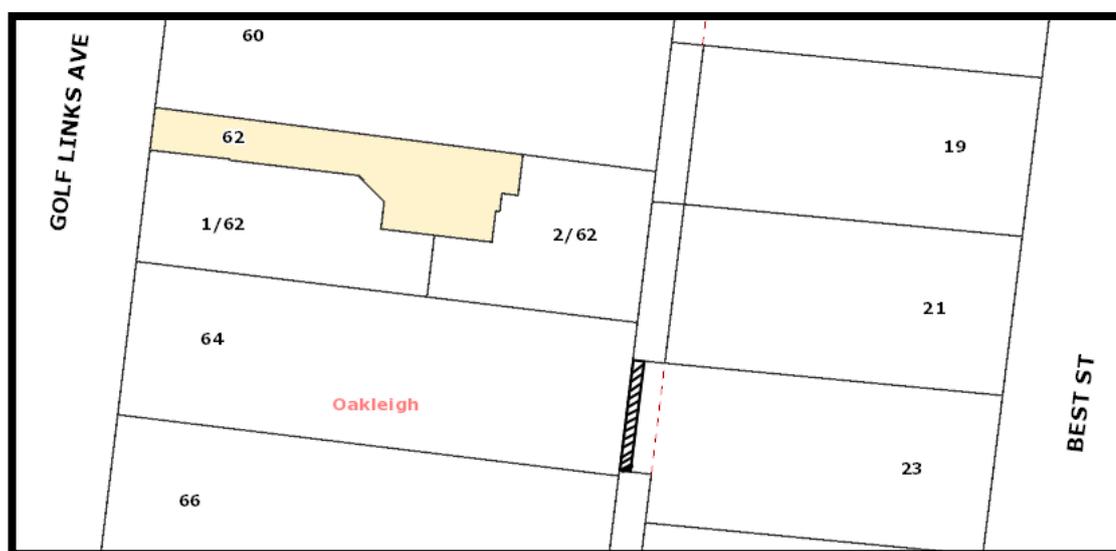
Council has been approached by the owner of 64 Golf Links Avenue, Oakleigh requesting to purchase an 11m2 portion of land (the Land) at the rear of their property. They intend to include the Council land in an application for a permit to redevelop 64 Golf Links Avenue, Oakleigh.

The purpose of this report is to provide the background of the Land and to recommend Council commence the statutory procedures for the sale of the Land by private treaty to the abutting landowner at 64 Golf Links Avenue, Oakleigh.

BACKGROUND / DISCUSSION

The Land

The Land is lot 13 on TP023758V being the land described in certificate of title volume 11654 Folio 925. It has an area of 11m² and is located at the rear of 23 Best Street and 64 Golf Links Avenue, Oakleigh. It is shown hatched on the plan below and in Attachment 1.



Road Discontinuance

The Land is part of a former unused road that ran between the properties at 3-25 Best Street, 44-66 Golf Links Ave and 1165-1169 North Road, Oakleigh. Council removed the Road status in 2003.

Neither of the owners of 64 Golf Links Avenue or 23 Best Street Oakleigh wished to purchase the Land at that time. Following the removal of the Road status and sale of the portions of the surrounding land to other adjoining landowners, the Land was rendered landlocked.

On occasion, adjoining landowners complain to Council about the dumping of rubbish and overgrown vegetation on the Land and given the landlocked situation, officers have to seek approval from adjoining landowners to gain access via their properties. This can prove problematic as adjoining landowners do not want Council officers traversing their properties with equipment.

The current owner of 64 Golf Links Avenue, Oakleigh has approached Council with a request to purchase the Land. The sale of land would resolve the landlocked situation and maintenance issues.

Due to the length of time that has elapsed since the Land was included in a public consultation process in 2002 and the road status removed in 2003, it is prudent for Council to again commence the statutory procedures for the sale component of the Land in accordance with Section 189(2) and 223 of the Act.

The Statutory Process

Council's powers to sell its Land is provided by Section 189 of the Act.

The statutory process includes Council publishing a notice in accordance with Section 223 of the Act in a newspaper and on Council's Website that invites written submissions from the public to the proposal to sell the Land.

Any submitters may request to be heard by a Committee of Council prior to a decision being made to either proceed or not proceed with the sale of the Land.

A Committee comprising the Mayor and Oakleigh Ward Councillors will be required to convene to hear and consider submissions. Should no submissions be received then the Committee will still need to convene to reach agreement on recommendations to Council for consideration and determination.

FINANCIAL IMPLICATIONS

Should Council proceed with the sale, then the Land will be sold at current market valuation.

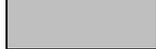
CONCLUSION

Given the size, location and maintenance issues as associated with the Land being landlocked, it is prudent to sell the Land to an adjoining landowner subject to a satisfactory outcome of the public consultation process.

It is therefore recommended that Council commence the statutory procedures for the sale of the Land by private treaty to the owner of 64 Golf Links Avenue, Oakleigh.

Attachment 1
Locality Plan

Legend

	The Land - 13 on TP023758V being an 11m2 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

