

# MINUTES



## Strategic Planning Committee Meeting

Held at the  
Civic Centre  
511 Burwood Highway  
Wantirna South  
On  
Monday 13 July 2020

The Agenda for this meeting forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next meeting.

The meeting commenced at 7:04 pm.

**PRESENT:**

*Cr N Seymour (Chairperson)*  
*Cr P Lockwood*  
*Cr J Mortimore*  
*Cr M Timmers-Leitch*  
*Cr A Gill (arrived at 7:37pm)*  
*Cr J Keogh (Zoom)*  
*Cr T Holland*  
*Cr L Cooper*  
*Cr D Pearce*

*Tirhatuan Ward*  
*Baird Ward*  
*Chandler Ward*  
*Collier Ward*  
*Dinsdale Ward*  
*Dobson Ward*  
*Friberg Ward*  
*Scott Ward*  
*Taylor Ward*

*Mr T Doyle*

*Chief Executive Officer*

*Mr M Hanrahan (Zoom)*

*Acting Director - Engineering & Infrastructure*

*Mr M Kelleher (Zoom)*

*Director - City Development, Interim Finance and Governance*

*Ms T Scicluna (Zoom)*

*Director - Community Services*

*Ms S Mazer (Zoom)*

*Director - Knox Central, Interim Transformation and Customer Service*

*Ms S Stanton (Zoom)*

*Executive Manager - Strategy, People and Culture, Interim Information Technology*

*Mr P McQue*

*Manager, Governance*

**Order of Business**

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- 6 Supplementary Items.....10
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- 8 Confidential Items.....11

1 Apologies and Requests for Leave of Absence

Nil.

2 Declarations of Conflict of Interest

Nil.

3 Confirmation of Minutes

**RESOLUTION**

**MOVED: Councillor Cooper**

**SECONDED: Councillor Timmers-Leitch**

**Confirmation of Minutes of Strategic Planning Committee Meeting on Tuesday 9 June 2020**

**CARRIED**

## 4 Considering and Ordering Upon Officers' Reports

### 4.1 Sale of Council Property - 1221 Mountain Highway, The Basin

**SUMMARY:** Acting Senior Property Officer, Paige Kennett

**This report is presented following the closing of public submissions for the proposed sale of 1221 Mountain Highway, The Basin. No submissions were received by the closing date of submissions. All relevant legislative provisions under the Local Government Act 1989 to enable the sale have now been completed. It is now recommended that Council sell 1221 Mountain Highway, The Basin by public auction.**

#### **RECOMMENDATION**

That Council:

Having completed the statutory processes under section 189 and 223 of the Local Government Act 1989 required to sell the property known as 1221 Mountain Highway, The Basin being Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098 (Land):

1. Proceed with the sale of the property by public auction;
2. Receive a further report to set the auction reserve; and
3. Authorise the Chief Executive Officer to sign and seal all documents necessary to sell the land, including any contract of sale and transfer of land documents.

#### **RESOLUTION**

**MOVED:** Councillor Mortimore

**SECONDED:** Councillor Holland

That Council:

Having completed the statutory processes under section 189 and 223 of the Local Government Act 1989 required to sell the property known as 1221 Mountain Highway, The Basin being Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098 (Land):

1. Proceed with the sale of the property by public auction;
2. Receive a further report to set the auction reserve; and
3. Authorise the Chief Executive Officer to sign and seal all documents necessary to sell the land, including any contract of sale and transfer of land documents.

#### **CARRIED**

## 4.2 Proposed Sale of Council Property - 2A Francis Crescent, Ferntree Gully

**SUMMARY:** Acting Senior Property Officer, Paige Kennett

In 2018, Council resolved to sell Council land located at 2A Francis Crescent, Ferntree Gully. The sale of 2A Francis Crescent, Ferntree Gully, however was not completed with the land remaining in Council ownership.

In January 2020, Council was approached by the new property owner at 2 Francis Crescent to acquire 2A Francis Crescent, Ferntree Gully. The subject site has been re-assessed in accordance with Council's Sale of Land and Buildings Policy, as surplus to Council requirements.

This report recommends that Council give notice of its intention to commence the statutory process to sell the property at 2A Francis Crescent, Ferntree Gully by private treaty.

### **RECOMMENDATION**

That Council:

1. Note the sale of 2A Francis Crescent did not proceed following the statutory process being completed.
2. Initial policy assessment indicates that 2A Francis Crescent, Ferntree Gully, as shown in Attachment 1, identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173 is not required, and therefore recommend Council to:
  - a. Commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land to the owner of 2 Francis Crescent by private treaty for no less than the price noted on the current valuation (plus GST);
  - b. Pursuant to Section 223 of the Local Government Act 1989, give public notice of the proposed sale of the subject land in The Age or Herald Sun newspaper;
  - c. Appoint a Committee of Council comprising Cr\_\_\_\_\_, Cr\_\_\_\_\_ and Cr\_\_\_\_\_ to consider submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 at 5.00pm on Wednesday 26 August 2020;
3. A further report will be presented to a Council or Strategic Planning Committee meeting to enable consideration of the submissions and the final determination of the matter.

### **RESOLUTION**

**MOVED:** Councillor Keogh

**SECONDED:** Councillor Holland

That Council:

1. Note the sale of 2A Francis Crescent did not proceed following the statutory process being completed.
2. Initial policy assessment indicates that 2A Francis Crescent, Ferntree Gully, as shown in Attachment 1, identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173 is not required, and therefore recommend Council to:

- a. **Commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land to the owner of 2 Francis Crescent by private treaty for no less than the price noted on the current valuation (plus GST);**
  - b. **Pursuant to Section 223 of the Local Government Act 1989, give public notice of the proposed sale of the subject land in The Age or Herald Sun newspaper;**
  - c. **Appoint a Committee of Council comprising Cr Keogh, Cr Holland and Cr Lockwood to consider submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 at 5.00pm on Wednesday 26 August 2020;**
3. **A further report will be presented to a Council or Strategic Planning Committee meeting to enable consideration of the submissions and the final determination of the matter.**

**CARRIED**

### 4.3 Proposed Discontinuance and Sale of Part Service Road - Adjacent to 622 Burwood Highway, Knoxfield

**SUMMARY: Acting Senior Property Officer, Paige Kennett**

**Council has received a request from the adjacent property owners (Administration and Marketing Services) at 622 Burwood Highway Knoxfield, to purchase an area of service road adjacent to 622 Burwood Highway Knoxfield. This report recommends that Council give notice of its intention to commence the statutory process to implement a road discontinuance and sale of this land, by private treaty.**

#### **RECOMMENDATION**

That Council:

Having completed an initial policy assessment of the area of road (343m<sup>2</sup>) located at 622 Burwood Highway, known as part of R1 on LP50200 and contained in Certificate of Title Volume 6097 Folio 315, shown on the plan attached (Attachment A), indicates it is not reasonably required as a road and hereby resolves:

1. Under Section 189 and Sec 206, Schedule 10 Clause 3 of the Local Government Act 1989, give notice that the statutory process be commenced to discontinue and sell an area (343m<sup>2</sup>) of Burwood Highway, Knoxfield for no less than a value determined by an independent valuer appointed by Council plus GST (plus Council's costs in relation to this sale);
2. Note that as a condition of sale, that 'Landscaping works are to be undertaken by the owner to the satisfaction of Council Arborist to protect the large remnant indigenous tree within the property of 622 Burwood Highway';
3. Under section 207(a) and Section 223 of that Act, give public notice of the proposed discontinuance and sale in the local newspaper and Council's website;
4. To hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_, and Cr \_\_\_\_\_ to consider submissions at 5:00pm on 25th of August 2020;
5. Note that a further report be presented to Council or the Strategic Planning Special Committee meeting to enable consideration of the submissions and the final determination of the matter.

#### **RESOLUTION**

**MOVED: Councillor Cooper**

**SECONDED: Councillor Lockwood**

That Council:

**Having completed an initial policy assessment of the area of road (343m<sup>2</sup>) located at 622 Burwood Highway, known as part of R1 on LP50200 and contained in Certificate of Title Volume**



**6097 Folio 315, shown on the plan attached (Attachment A), indicates it is not reasonably required as a road and hereby resolves:**

- 1. Under Section 189 and Sec 206, Schedule 10 Clause 3 of the Local Government Act 1989, give notice that the statutory process be commenced to discontinue and sell an area (343m<sup>2</sup>) of Burwood Highway, Knoxfield for no less than a value determined by an independent valuer appointed by Council plus GST (plus Council's costs in relation to this sale);**
- 2. Note that as a condition of sale, that 'Landscaping works are to be undertaken by the owner to the satisfaction of Council Arborist to protect the large remnant indigenous tree within the property of 622 Burwood Highway';**
- 3. Under section 207(a) and Section 223 of that Act, give public notice of the proposed discontinuance and sale in the local newspaper and Council's website;**
- 4. To hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr Cooper, Cr Holland, and Cr Seymour to consider submissions at 5:00pm on 25th of August 2020;**
- 5. Note that a further report be presented to Council or the Strategic Planning Special Committee meeting to enable consideration of the submissions and the final determination of the matter.**

**CARRIED**

5 Motions for Which Notice has Previously Been Given

Nil.

6 Supplementary Items

Nil.

7 Urgent Business

7.1 Urgent Business

Nil.

7.2 Call Up Items

Nil.

## 8 Confidential Items

### **PROCEDURAL MOTION**

### **CLOSURE OF MEETING**

**MOVED:** Councillor Timmers-Leitch

**SECONDED:** Councillor Lockwood

**That the Committee resolve to close the meeting to the public in accordance with Section 66(2)(a) of the Local Government Act 2020 to consider Item 8.1 Appointment of Consultant - Human Resources Matter, the report for which has been declared confidential for the purposes of Section 77 of the Local Government Act 1989, and contains confidential information which is personal information that would be unreasonable to disclose in a public report.**

**CARRIED**

### **THE MEETING WAS CLOSED TO THE PUBLIC AT 7:13 pm**

Councillor Gill arrived at the meeting at 7:37 pm before the vote on item 8.1 while the meeting was closed to the public.

### **MEETING CLOSED AT 7:55 pm**

Minutes of Meeting confirmed at the  
Strategic Planning Committee Meeting  
held on Monday, 10 August 2020

.....  
Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes

# AGENDA



## Meeting of the Strategic Planning Committee of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 13 July 2020 at 7:00 pm

**Order of Business**

1 Apologies And Requests For Leave Of Absence.....3

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3 Confirmation Of Minutes.....3

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        Highway, Knoxfield .....14

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8 Confidential Items.....21

Tony Doyle  
Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Strategic Planning Committee Meeting on Tuesday 9 June 2020

## 4 Considering and Ordering Upon Officers' Reports

### 4.1 Sale of Council Property - 1221 Mountain Highway, The Basin

**SUMMARY: Acting Senior Property Officer, Paige Kennett**

**This report is presented following the closing of public submissions for the proposed sale of 1221 Mountain Highway, The Basin. No submissions were received by the closing date of submissions. All relevant legislative provisions under the Local Government Act 1989 to enable the sale have now been completed. It is now recommended that Council sell 1221 Mountain Highway, The Basin by public auction.**

#### **RECOMMENDATION**

**That the Committee, having completed the statutory processes under section 189 and 223 of the Local Government Act 1989 required to sell the property known as 1221 Mountain Highway, The Basin being Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098 (Land):**

- 1. Proceed with the sale of the property by public auction;**
- 2. Receive a further report to set the auction reserve; and**
- 3. Authorise the Chief Executive Officer (subject to Item 2 above) to sign and seal all documents necessary to sell the land, including any contract of sale and transfer of land documents.**

#### **1. INTRODUCTION**

The old Community House located at 1221 Mountain Highway, The Basin was sold in April 2019, however the purchaser failed to settle within the prescribed time. Council resolved to recommence the sale of the property at its January 2020 Council meeting, with officers completing the required statutory process.

#### **2. DISCUSSION**

The property at 1221 Mountain Highway, The Basin has been the local Community House since 1989. The new Community House located at 21 Liverpool Rd, The Basin has been constructed in partnership between Knox City Council, The Basin Primary School and The Department of Education. The Community House relocated to the new facility in June 2019. The negotiated lease agreement between the Department of Education and Knox City Council was presented to Council at its June 2020 Ordinary meeting.

The property at 1221 Mountain Highway, The Basin is an allotment of 1,011.7m<sup>2</sup> and comprises a building that was occupied by The Basin Community House. The property is zoned Neighbourhood Residential Zone Schedule 2 (NRZ2).

Council at its meeting on 28 January 2020, resolved to recommence the process to sell the property after the original sale failed to settle within the prescribed period, specifically:

- 1. That Council, being of the opinion that the property known as 1221 Mountain Highway, The Basin identified as Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098, is surplus to Council's requirements:*

- a) *Commence the statutory process, under section 189 of the Local Government Act 1989, to sell the property known as 1221 Mountain Highway, The Basin identified as Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098 and, that under section 223 of that Act, public notice of the proposed sale by a public process be given in the Knox Leader.*
  - b) *Hears submissions in accordance with section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to consider submissions on Monday, 16 March 2020 at 5pm.*
2. *That a further report be presented to Council following the conclusion of the statutory process.*

Following this resolution, Council officers commenced the administrative process associated with the proposed sale of the land, including publication of a public notice declaring Council's proposal to sell the land by a public process. The notice also outlined the process for members of the public to make a submission in relation to the proposed sale. At the closure of the submission period, no submissions were received and therefore there was no requirement for the Committee of Council to meet.

In accordance with the Sale of Council Land and Buildings Policy, net proceeds of land that is not Public Open Space are to be contributed to the Municipal Fund and treated as consolidated revenue. These funds may be allocated to capital projects within the municipality or the retirement of debt as part of the annual budget process and in accordance with Council's strategic priorities of the day.

Council may now resolve to sell the property by public auction.

### **3. CONSULTATION**

Council has undertaken public consultation in respect of the proposal to sell the land, pursuant to section 189 and 223 of the Local Government Act 1989, which included giving public notice of the proposal.

At the conclusion of the submission period no submissions were received.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Application of the SLO3, DDO2 and ESO3 Planning Overlays on this property will continue to protect the Dandenong Foothills landscape and the environmental significance.

Amenity issues, such as impacts on neighbouring properties and landscaping, will be considered as part of any future planning permit applications.

### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The previous tenant, The Basin Community House vacated the property June 2019, relocating to a new building which was constructed at the rear of The Basin Primary School. The building is owned by the Department of Education and Training with Council being the Lessee, and The Basin Community House entering into a licence agreement with Council. The final lease agreement between Knox City Council and the Department of Education was presented to Council at the June 2020 Council meeting.



It was resolved at the August 2017 Council meeting, that Council would commit to fund a once off furniture, fixtures and equipment for the new Basin Community House, and funding of asset renewals, maintenance and Council's operational and management costs over the terms of the 20-year lease, estimated at \$522,440.

It should be noted that when the property went to auction in April 2019, it sold for \$500,000, however the purchaser failed to settle within the prescribed period.

A further confidential report will be presented to Council seeking a resolution to establish a reserve price at a later meeting, together with the formal valuation. This process is consistent with Council's policy and allows Council to determine the reserve price as close as possible to auction day and ensure that the valuation stays current until the exchange with the buyer.

## **6. SOCIAL IMPLICATIONS**

Social implications were addressed in the Assessment Criteria as endorsed in the January 2020 Council report.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

### **Goal 7 - We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 - Strengthen community connections

### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Acting Senior Property Officer, Paige Kennett - In providing this advice as the Author, I have no disclosable interests in this report.

Reviewer - Acting Manager, Business and Financial Services, Dennis Bastas - In providing this advice as the reviewer, I have no disclosable interests in this report.

Officer Responsible – Director, City Development - Interim Finance and Governance, Matt Kelleher - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

As this land has been assessed as surplus to Council's requirements and as Council has now completed all statutory obligations in accordance with section 189 and 223 of the Local Government Act 1989, it is recommended that Council commence the process to sell 1221 Mountain Highway, The Basin being Lot 1 on TP 127632Q within Certificate of Title Volume 7733 Folio 098 by public auction.

**10. CONFIDENTIALITY**

There are no items of a confidential nature in this report.

**Report Prepared By:** Acting Senior Property Officer, Paige Kennett

**Report Authorised By:** Director, City Development - Interim Finance and Governance, Matt Kelleher

**Attachments**

Nil

## 4.2 Proposed Sale of Council Property - 2A Francis Crescent, Ferntree Gully

**SUMMARY:** Acting Senior Property Officer, Paige Kennett

In 2018, Council resolved to sell Council land located at 2A Francis Crescent, Ferntree Gully. The sale of 2A Francis Crescent, Ferntree Gully, however was not completed with the land remaining in Council ownership.

In January 2020, Council was approached by the new property owner at 2 Francis Crescent to acquire 2A Francis Crescent, Ferntree Gully. The subject site has been re-assessed in accordance with Council's Sale of Land and Buildings Policy, as surplus to Council requirements.

This report recommends that Council give notice of its intention to commence the statutory process to sell the property at 2A Francis Crescent, Ferntree Gully by private treaty.

### RECOMMENDATION

That the Committee:

1. Note the sale of 2A Francis Crescent did not proceed in 2018 despite the statutory process being completed.
2. Note an initial policy assessment indicates that 2A Francis Crescent, Ferntree Gully, as shown in Attachment 1, identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173 is not required, and consequently resolve:
  - a. To commence the statutory process, under Section 189 of the Local Government Act 1989, to sell the subject land to the owner of 2 Francis Crescent by private treaty for no less than the price noted on the current valuation (plus GST);
  - b. Pursuant to Section 223 of the Local Government Act 1989, to give public notice of the proposed sale of the subject land in The Age newspaper;
  - c. To appoint a Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to consider submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 at 5.00pm on Wednesday 26 August 2020;
3. That a further report will be presented to a Council or Strategic Planning Committee meeting to enable consideration of the submissions and the final determination of the matter.

### 1. INTRODUCTION

2A Francis Crescent, Ferntree Gully is a small triangular shaped allotment (213sqm approximately) situated between a larger parcel at 2 Francis Crescent and the Francis Crescent roadway.

The land is identified as Lot 1 on TP 92088IU within Certificate of Title Volume 8892 Folio 173. This land is included within General Residential Zone Schedule 6 and is affected by the following overlays:

- Design and Development Overlay (DDO8)
- Vegetation Protection Overlay (VPO3)
- Environmental Audit Overlay (EAO)

One of Council's core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and

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releasing the funds tied up in these assets in order to acquire, develop or improve other assets. The subject land is an example of resources tied up in an asset assessed as surplus to Council's needs which Council can deploy in other areas of priority.

## **2. DISCUSSION**

Following the statutory process being complete in 2018, at the Council meeting in September 2018, Council resolved as follows:

*That Council having completed the statutory process in accordance with the Local Government Act 1989:*

- 1. Proceed with the sale of 2A Francis Crescent Ferntree Gully identified as Lot 1 on TP920881U within Certificate of Title Volume 8892 Folio 173 (Attachment 2) to the owner of 2 Francis Crescent Ferntree Gully for \$200,000 (plus GST) plus costs in relation to this sale.*
- 2. Authorise the Chief Executive Officer to finalise the sale of this property and sign and seal all documentation pertaining to this sale.*

Following Council's resolution in September 2018, the property's proposed purchaser declined to purchase 2A Francis Crescent, Ferntree Gully following their planning permit application being rejected by VCAT in June 2019.

In January 2020, Council was approached by the new owners of 2 Francis Crescent (2 Francis Crescent purchased December 2019) to acquire 2A Francis Crescent. This property has been re-assessed against Council's Sale of Land Buildings Policy and remains surplus to Council requirements. Attachment 1 provides assessment against criteria. The owners of 2 Francis Crescent are planning for 2A Francis Crescent to be a carpark for the childcare centre being planned for at 2 Francis Crescent.

In accordance with the Sale of Council Land and Buildings Policy, net proceeds of land that is not Public Open Space are to be contributed to the Municipal Fund and treated as consolidated revenue. These funds may be allocated to capital projects within the municipality or the retirement of debt as part of the annual budget process and in accordance with Council's strategic priorities of the day.

## **3. CONSULTATION**

Initial consultation was completed in accordance with Local Government Act 1989 to sell the property in 2019.

The statutory process to sell the property must commence again if Council resolve to sell the property. The process which requires the following steps:

- Pursuant to section 189 of the Local Government Act 1989, Council will place a public notice in a newspaper which is generally circulating within the municipality, inviting submission on the proposal to sell the land.
- If submissions are received, submissions will be considered by Council pursuant to section 223 of the Local Government Act 1989, with submitters having the opportunity to be heard, in person, to support their written submission.
- Following the statutory process, the Committee's report will be presented to Council to consider and decide whether to proceed with its proposal to sell the land.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

Environmental and amenity issues were considered by VCAT in 2018, which resulted in the planning permit for 15 townhouses being rejected.

Environmental or amenity issues with the current proposed purchase have been considered under the Assessment against criteria for Sale of Land and Buildings (Attachment 1).

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The land will be sold at market value. It is proposed to sell the land at 2A Francis Crescent by private treaty to the abutting land owner at 2 Francis Crescent. A valuation dated 16/06/2020 is circulated under separate cover as Confidential Attachment 3.

#### **6. SOCIAL IMPLICATIONS**

Social implications are considered under the Assessment against criteria for Sale of Land and Buildings (Attachment 1).

#### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

##### **Goal 7 - We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 - Strengthen community connections

##### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

#### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Acting Senior Property Officer, Paige Kennett - In providing this advice as the Author, I have no disclosable interests in this report.

Reviewer - Acting Manager, Business and Financial Services, Dennis Bastas - In providing this advice as the reviewer, I have no disclosable interests in this report.

Officer Responsible – Director, City Development - Interim Finance and Governance, Matt Kelleher - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

#### **9. CONCLUSION**

In conclusion, it should be noted by Council that 2A Francis Crescent was not sold in 2018 and remains in Council's possession.

As the property has been re-assessed against Council Policy as surplus to Council requirements, it is recommended that Council gives notice of its intention to sell 2A Francis Crescent, Ferntree Gully by private treaty to the abutting land owner at 2 Francis Crescent, Ferntree Gully.

## **10. CONFIDENTIALITY**

**Attachment 3 is included in the confidential agenda, having been declared confidential information pursuant to Section 77(2)(c) of the Local Government Act 1989, as it relates to:**

- Council business information, that will prejudice Council's position negotiating a settlement if prematurely released.

**Report Prepared By:                    Acting Senior Property Officer, Paige Kennett**

**Report Authorised By:            Director, City Development – Interim Finance and Governance,  
Matt Kelleher**

### **Attachments**

1. Attachment 1 - Assessment Criteria [4.2.1 - 1 page]
2. Attachment 2 - 2A Francis Crescent, Ferntree Gully [4.2.2 - 1 page]

Confidential Attachment 3 is circulated under separate cover

## ATTACHMENT 1

**ASSESSMENT CRITERIA****ECONOMIC**

<b>Principle:</b>	Council evaluation of surplus property will consider the value the land as well as the cost of retaining the land; ongoing maintenance, utilities and any foregone revenue; as well as any potential return available from use for alternative purposes.
<b>Assessment:</b>	There has been no expenditure on this land nor has there been any income. Any maintenance has been undertaken by the abutting property owner.

**ENVIRONMENT**

<b>Principle:</b>	Council will sell surplus land where retention will not enhance or protect its environmental value.
<b>Assessment:</b>	The land is vacant with no vegetation, however a native canopy tree is located nearby on the VicTrack land.

**PHYSICAL WORKS**

<b>Principle:</b>	Council will sell surplus land where it is not required in the foreseeable future for the development of new assets or the improvements of existing assets.
<b>Assessment:</b>	There is no requirement to retain this land for physical work.

**RECREATION**

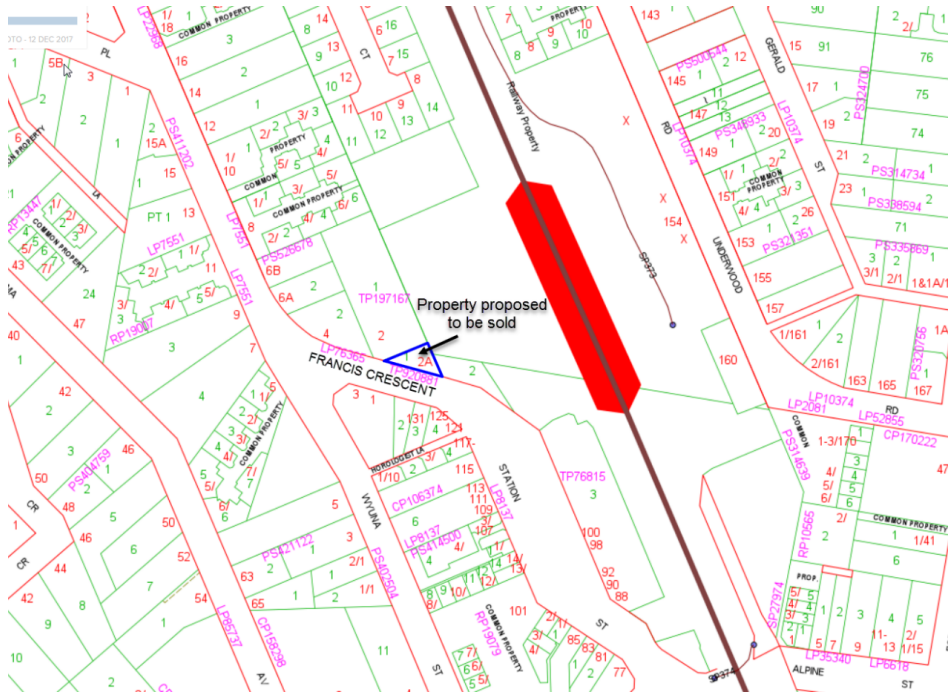
<b>Principle:</b>	Council will sell surplus land where it is not required in the foreseeable future for recreational purposes.
<b>Assessment:</b>	There is no requirement to retain this land for recreational purposes.

**LAND USE PLANNING**

<b>Principle:</b>	Council will sell surplus land where there are not compelling land use planning grounds for retention.
<b>Assessment:</b>	There are no planning grounds to retain this land, however there is a current planning application for this and the abutting property (2 Francis Crescent) for the development of 15 double storey dwellings (P/2018/6090).

**SOCIAL**

<b>Principle:</b>	Council will sell surplus land where alternative social uses have not been identified.
<b>Assessment:</b>	There are no identified social uses for this site.





#### 4.3 Proposed Discontinuance and Sale of Part Service Road - Adjacent to 622 Burwood Highway, Knoxfield

**SUMMARY: Acting Senior Property Officer, Paige Kennett**

Council has received a request from the adjacent property owners (Administration and Marketing Services) at 622 Burwood Highway Knoxfield, to purchase an area of service road adjacent to 622 Burwood Highway Knoxfield. This report recommends that Council give notice of its intention to commence the statutory process to implement a road discontinuance and sale of this land, by private treaty.

#### **RECOMMENDATION**

That the Committee notes an initial policy assessment of the area of road (343m<sup>2</sup>) located at 622 Burwood Highway, known as part of R1 on LP50200 and contained in Certificate of Title Volume 6097 Folio 315, shown on the plan attached (Attachment A), indicates it is not reasonably required as a road and consequently resolves:

1. Under Section 189 and Sec 206, Schedule 10 Clause 3 of the Local Government Act 1989, to give notice that the statutory process be commenced to discontinue and sell an area (343m<sup>2</sup>) of Burwood Highway, Knoxfield for no less than a value determined by an independent valuer appointed by Council plus GST (plus Council's costs in relation to this sale);
2. To note the following is a proposed condition of sale:  
'Landscaping works are to be undertaken by the owner to the satisfaction of Council's Arborist to protect the large remnant indigenous tree within the property of 622 Burwood Highway';
3. Under section 207(a) and Section 223 of that Act, give public notice of the intention of the discontinuance and sale in The Age newspaper and Council's website;
4. To hear submissions in accordance with Section 223(1)(b) of the Local Government Act 1989 and appoint the following Committee of Council comprising Cr \_\_\_\_\_, Cr \_\_\_\_\_, and Cr \_\_\_\_\_ to consider submissions at 5:00pm on 25th of August 2020;
5. That a further report be presented to Council or the Strategic Planning Special Committee meeting to enable consideration of the submissions and the final determination of the matter.

#### **1. INTRODUCTION**

Council has received a request from the property owners of 622 Burwood Highway, Knoxfield, (currently tenanted by Chemist Warehouse), to purchase an area of the adjoining road reserve which abuts their property known as Lot 1 on Title Plan TP 965721Q. As this road reserve is a municipal road, Council as the coordinating body can determine the use of the road. Initial policy assessment and internal consultation indicates this section of the road reserve is not reasonably required by Council.

The land is a narrow section between the footpath and the property boundary of 622 Burwood Highway and is currently being used for car parking by Chemist Warehouse.

When Chemist Warehouse took the lease of the property, they extended the existing carpark into this section of land constructing it in accordance with Council’s Standard Specifications and with guidance from Council officers including upgrading the carpark for pedestrian safety.

As part of the carpark works, the owners agreed to protect a large remnant gum tree from motorists parking within the root zone of the tree. Works were to include compacting the soil and planting out and mulching around the tree. This is still to be completed and is recommended to be included as a condition of the contract of sale, providing that the statutory process is completed and Council resolve to discontinue and sell the road reserve.

## 2. DISCUSSION

As the coordinating body for the section of road, the road network in the area and Council’s future land needs has been assessed and determined that this area of road reserve (as indicated in Attachment 1) is surplus to Council’s requirements.

The road reserve comprises an area of 343 m<sup>2</sup>. During council officer’s initial investigation to rezone the road area from Road Zone to Commercial 1, it was found that an area at the rear of 622 Burwood Highway had been incorrectly zoned. This was rectified and rezoned Commercial 1 to accord with the zoning of 622 Burwood Highway, Knoxfield.

A valuation for this area of land has been obtained and is attached as Confidential Attachment 1.

Survey to mark the boundaries of the section of road to be discontinued adjacent to the property at 622 Burwood Highway, Knoxfield, defined as Lot 1 on Title Plan TP 965721Q is at Attachment 2.

There is one large tree on the land which requires landscaping works to ensure safety of vehicles, pedestrian and to protect this large tree within the property as there are motorists parking in and around the tree roots. It is recommended to add to the condition of sale that ‘Landscaping works are to be undertaken to the satisfaction of Council’s Arborist to protect the large remnant indigenous tree within the property of 622 Burwood Highway, Knoxfield’.

In accordance with Council’s Policy on the Sale of Land and Buildings it will consider a number of criteria in order to ensure that the proposed disposal of property is in the community’s best interests prior to resolving to proceed with the public consultation process.

An assessment of these criteria is as follows:

### Economic

Principle:	Council evaluation of surplus property will consider the value of the land as well as the cost of retaining the land; ongoing maintenance, utilities and any foregone revenue; as well as any potential return available from use for alternative purposes.
Assessment:	There is no identified alternative purpose.

### Environment

Principle:	Council will sell surplus land where retention will not enhance or protect its environmental value.
Assessment:	There are no environmental impacts on this area of road reserve.

**Physical Works**

Principle:	Council will sell surplus land where it is not required in the foreseeable future for recreational purposes.
Assessment:	The road reserve has not been identified as being required for recreational uses.

**Recreation**

Principle:	Council will consider the sale of surplus land where it is not required in the foreseeable future for recreational purposes.
Assessment:	This area of road reserve is not appropriate for any recreational uses.

**Land Use Zone**

Principle:	Council will sell surplus land where there are not compelling land use planning grounds for retention.
Assessment:	There are no compelling land use planning grounds for the retention by Council of the road reserve abutting 622 Burwood Highway, Knoxfield.

**Social**

Principle:	Council will sell surplus land where alternative social uses have not been identified.
Assessment:	The sale of the land is not required for any social uses.

In accordance with the Sale of Council Land and Buildings Policy, net proceeds of land that is not Public Open Space are to be contributed to the Municipal Fund and treated as consolidated revenue. These funds may be allocated to capital projects within the municipality or the retirement of debt as part of the annual budget process and in accordance with Council's strategic priorities of the day.

**3. CONSULTATION**

Internal consultation has occurred to ensure there are no current or future uses for the road reserve, and council officers have also consulted with VicRoads who confirmed this section of Burwood Highway to be a municipal road.

For council to discontinue and sell this section of road, public consultation is required under 189 and 223 of the Local Government Act which provides the statutory procedures to enable discontinuance and sale of a road. A public notice will be circulated, giving notice that Council will consider any submissions in respect of the discontinuance.

In accordance with Section 223 of the Act, Council or where Council determines, a Committee of Council shall consider any written submissions which are received by Council within 28 days after the publication of the public notice and allow persons making submissions to appear in support of their submission. A further report will be presented to Council for its consideration prior to taking any further action on the proposed road closure.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

As mentioned in the report, there is one large tree on the land which requires landscaping works to ensure safety of vehicles, pedestrian and to protect this large tree within the property. It is recommended that an additional condition of sale be included to require landscaping works to the satisfaction of Council's Arborist to protect this large remnant indigenous tree. There are no other environmental or amenity issues related to the proposal.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

It is proposed that any sale would be subject to the purchasers meeting all Council's costs in relation to the sale and the land to be sold at a valuation obtained in accordance with Council's Valuation of Council Land for Sale Policy. A confidential valuation in relation to this property is attached as Confidential Attachment 1.

#### **6. SOCIAL IMPLICATIONS**

There are no social implications in relation to this report.

#### **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

##### **Goal 7 - We are inclusive, feel a sense of belonging and value our identity**

Strategy 7.3 - Strengthen community connections

##### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

#### **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Senior Property Officer, Paige Kennett - In providing this advice as the Author, I have no disclosable interests in this report.

Reviewer - Acting Manager, Business and Financial Services, Dennis Bastas - in providing this advice as reviewer, I have no disclosable interests in this report.

Officer Responsible – Director, City Development - Interim Finance and Governance, Matt Kelleher - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

#### **9. CONCLUSION**

Based on initial policy assessment and internal consultation, the section of service road located adjacent to 622 Burwood Highway, Knoxfield is not reasonably required by Council, it is recommended give notice to proceed with the statutory process to discontinue and sell the road

by private treaty to the adjacent property owner following the public process as determined by the Local Government Act 1989.

## **10. CONFIDENTIALITY**

**Attachment 1 is included in the confidential agenda, having been declared confidential information pursuant to Section 77(2)(c) of the Local Government Act 1989, as the information relates to:**

Council business information, that will prejudice Council's position, negotiating a settlement if prematurely released.

**Report Prepared By:                    Acting Senior Property Officer, Paige Kennett**

**Report Authorised By:                Director, City Development – Interim Finance and Governance,  
Matt Kelleher**

### **Attachments**

1. Discontinuance of Road - Boundary 622 Burwood Highway - 2020-01-28 [4.3.1 - 1 page]
2. Images - 622 Burwood Highway [4.3.2 - 1 page]

Confidential Attachment 1 is circulated under separate cover



GIS image of road reserve proposed to be discontinued and sold



Image of large gum tree requiring landscaping for protection



5 Motions for Which Notice has Previously Been Given

6 Supplementary Items

7 Urgent Business

7.1 Urgent Business

7.2 Call Up Items

8 Confidential Items