



14.1 NOTICE OF INTENTION TO SELL 8 YORK STREET, ST KILDA WEST: RECEIVING OF SUBMISSIONS

EXECUTIVE MEMBER: CHRIS CARROLL, GENERAL MANAGER, CUSTOMER AND CORPORATE SERVICES

**PREPARED BY: AARON LENDEN, PROPERTY TRANSACTION SPECIALIST
ANTHONY SAVENKOV, HEAD OF PROPERTY PROJECTS**

1. PURPOSE

- 1.1 To report and hear submissions from interested parties in response to a notice published in accordance with section 189 of the *Local Government Act 1989* ("Act") advising of City of Port Phillip's intention to sell land at 8 York Street, St Kilda West.

2. EXECUTIVE SUMMARY

- 2.1 City of Port Phillip has formally notified the public of its proposal to sell 8 York Street in St Kilda West, ("Notice").
- 2.2 The Notice (Attachment 1) outlined the terms of the proposed sale, invited submissions on the proposal, and highlighted the opportunity for those making submissions to be heard before Council in support of those submissions.
- 2.3 In response to the Notice, one submission (Attachment 2) has been received, and the submitter has asked to be heard in support of its submission.
- 2.4 Officers will consider the submission and at a subsequent Ordinary Meeting of Council Ordinary Meeting of Council put a recommendation to Council on whether to proceed with a sale.

4. KEY POINTS/ISSUES

3. RECOMMENDATION

That Council:

- 3.1 Notes that notice has been given under section 189 of the *Local Government Act 1989* of Council's proposal to sell the land located at 8 York Street, St Kilda West, to the open market, inviting submissions from interested parties.
 - 3.2 Notes the written submission of response received by the end of the notice period (of 5pm on 17 April 2020).
 - 3.3 Thanks, the submitter for its submission.
 - 3.4 Formally considers the submission received and heard in response to the notice at a subsequent meeting of Council, once Officers have had the opportunity to fully consider the community feedback.
- 4.1 City of Port Phillip acquires, deals with and dispose of land in performing its functions and exercising its powers. Its right to do so is confirmed by Section 5(2)(d) of the Act.
 - 4.2 Section 189 of the Act requires Council to consult residents and ratepayers on any proposal to sell land, and prescribes a process for doing so.



ORDINARY MEETING OF COUNCIL 6 MAY 2020

- 4.3 On 4 March 2020 resolved to commence that process, to consider selling 8 York Street, St Kilda West.
- 4.4 Consequently, a notice (Attachment 1) was published in *Port Phillip Leader* and *The Age* newspapers on 17 March 2020 – informing of Council’s sale proposal, and noting of the right to make a submission and to speak to that submission before Council.
- 4.5 The notice was also published on Council’s website.
- 4.6 One submission was made – by incorporated association Community Alliance of Port Phillip. That submission is included as Attachment 2.
- 4.7 The matters raised in the submission include: the weakened property market due to COVID-19; the loss of a Council owned facility previously dedicated to children’s services; and redevelopment of the site for childcare facilities; and where money from a divestment could be allocated, should a sale proceed.
- 4.8 Council is required to consider any submissions received prior to determining whether to proceed with the sale.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Complying with its statutory obligations, Council has invited and consider public submissions on its intention to sell this Council property.
- 5.2 A courtesy letterbox drop to thirty three owners/residents of near neighbours in the street was completed on 26 February 2020.
- 5.3 A sale of the property would be on the open market and publicly advertised, as expected under the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The section 223 *Local Government Act* process arises as a result of submissions received in relation to the public notice issued under section 189 of that Act.

7. FINANCIAL IMPACT

- 7.1 Adoption of the recommendation is not anticipated to affect budget.
- 7.2 The potential subsequent disposal of the asset will release capital to Council.
- 7.3 Proceeds of a potential sale are intended to be directed to Council’s Strategic Property Fund. In this way the value realised by disposing the asset is preserved for future reinvestment in Council’s property portfolio.

8. ENVIRONMENTAL IMPACT

- 8.1 No material environmental implications arise from the recommendations of this report.

9. COMMUNITY IMPACT

- 9.1 The proceeds from the sale of the land will replenish the Council’s Strategic Property Fund. The capital in the fund is preserved for the acquisition or upgrade of Council property.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 This report supports transparent governance and an actively engaged community. The proposed sale of redundant property falls under direction 6: “Our commitment to you”.



ORDINARY MEETING OF COUNCIL 6 MAY 2020

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Officers intend to consider the submission and then report to Council, to enable Council to determine whether to proceed with a sale.

11.2 COMMUNICATION

11.2.1 Officers intend to write to submitters advising of the meeting at which the decision on the proposal is to be considered.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

TRIM FILE NO: 20/17/04

ATTACHMENTS

- 1. Public Notice of Intention to Sell**
- 2. Community Alliance of Port Phillip Submission**