

5 SALE OF PART OF RESERVE ADJOINING 7 LAKESIDE BOULEVARD

FILE REFERENCE INT1699867

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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RECOMMENDATION

1. That Council commence the statutory procedures under sections 189 and 223 of the Local Government Act 1989 and that Council publish a notice in the local paper circulating in the area for Pakenham advising of a proposal to sell part of the land abutting 7 Lakeside Boulevard.
2. In the event of submissions being received, a committee comprising of the central ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to:
 - a. affect the sale of land by a public sale process and the property will not be sold for less than the market value of the land.
 - b. executes all documentation associated with the sale.
4. That a subdivision application be lodged to remove the reserve status and subdivide the Council reserve abutting 7 Lakeside Boulevard Pakenham

Attachments

- | | | |
|---|------------------|---------|
| 1 | Aerial image | 1 Page |
| 2 | Subdivision plan | 3 Pages |

EXECUTIVE SUMMARY

The Owners of Shanika's Restaurant (Shanika's) has expressed an interest in purchasing part of the Reserve to the north of its property at 7 Lakeside Boulevard, Pakenham. The land under investigation is approximately 500 square metres as shown on the attached plan (Land) and part of the Land is currently used by Shanika's as an alfresco dining area. The Land is considered to be surplus, as it's not required for open space purposes and although it is a drainage reserve it is considered that the drainage assets can be dealt with as an easement over the Land. It is recommended that Council support the proposal to sell the Land to Shanika's. The owners of Shanika's will also be seeking a planning permit concurrently and the sale will be contingent on this separate process.

BACKGROUND

Shanika's is located at 7 Lakeside Boulevard, Pakenham. To the north of the restaurant is the Reserve which borders the south west corner of the Princes Highway and Lakeside Boulevard. The main function of the Reserve is to provide a landscape feature (entrance) to the Pakenham Lakeside Estate and to serve as a drainage basin. Part of the Land is already utilised by Shanika's as a paved alfresco dining area and the remainder of the Land forms part of the Reserve.

Shanika's have approached Council with a proposal to acquire the Land as shown on the attached plan. Shanika's propose an extension to the existing restaurant including a training room, storage, preparation kitchen and restaurant space, and are keen to provide hospitality training in

association with a training provider. The overall appearance from the Princes Highway will be improved with a new façade to the building.

A planning permit for the future extension of Shanika's will be submitted to Council for consideration. The merits of the planning application will be assessed to determine the appropriateness of the extension and impact on car parking. This process will be conducted independently from the Sale process.

The Land has been identified as no longer reasonably required for the purpose it was originally set aside for or any other strategic purpose and it is deemed surplus to Council requirements and the Land is considered suitable for sale.

Details of the Land are as follows:

Land Area	500 square metres
Zoning	Comprehensive Development Zone (Schedule 1)
Overlay	Development Contribution Plan Overlay (Schedule 1).
Title description	Reserve No. 2 PS447403J Certificate of title Volume 10653 Folio 760

POLICY IMPLICATIONS

The sale of the Land to the owners of the Shanika's restaurant is not considered to raise any significant policy implications, as the Land is not required for open space, drainage or other public purposes (walkway).

The State Government has developed guidelines for the sale of Council land, known as "Local Government Best Practice Guidelines for the Sale and Exchange of Land" (the Guidelines). This document provides guidance for the sale of Council land but Council is not bound by the Guidelines. The Guidelines provide that all sales or transfers should be in the best interest of the community. Generally, it is expected that land will be offered to the market by a public marketing campaign, however where the purchasers are limited, as is the case in this situation it is considered reasonable to negotiate directly with an abutting owner and sell the Land based upon a market valuation

RELEVANCE TO COUNCIL PLAN

Under "Our Environment", the "balanced needs of development, the community and the environment" is recognised as an important goal within the Council Plan. This includes planning for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable manner.

CONSULTATION/COMMUNICATION

Consultation has been carried out with appropriate internal departments and are generally in support of the proposal, to subdivide and sell this section of land. Also due to the drainage assets consultation has occurred with Melbourne Water who has provided guidance of how to deal with their assets, in particular an easement will be created in favour of Melbourne Water:

Furthermore subject to this report it is proposed that Council give public notice of the intention to sell this property in accordance with section 189 and 223 of the Local Government Act 1989 (the Act) in the local paper circulating in this area and a notice on Council's website.

Any submission received following such public notice will be considered by a committee of Council.

A subdivision process will be undertaken to subdivide the Land from the Reserve and remove the reserve status from the Land; and

A planning process to consider the development of the Land.

FINANCIAL AND RESOURCE IMPLICATIONS

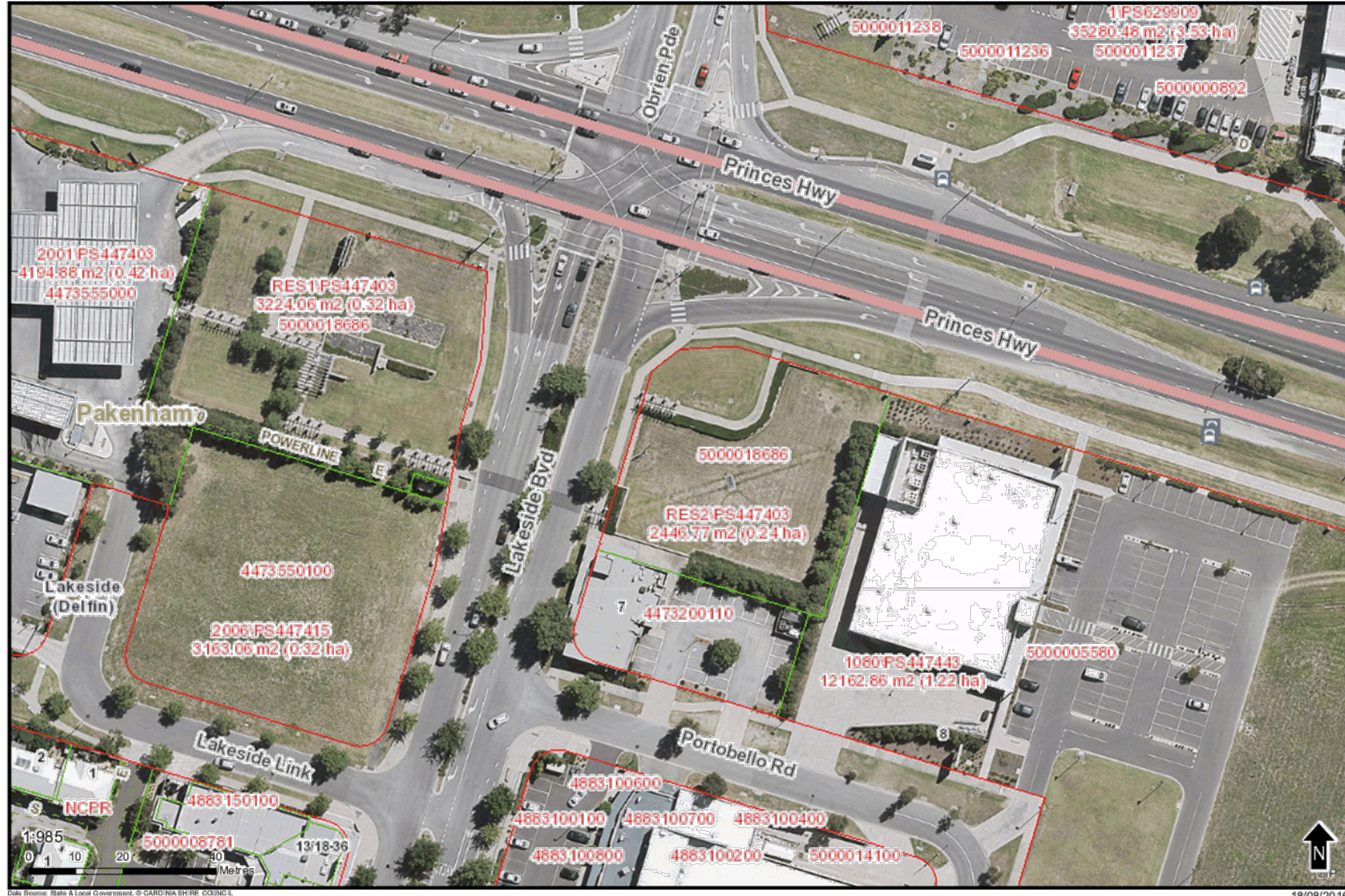
Following consultation if a decision is made to sell the Property, the Property will be sold based upon the market value as assessed by Councils contract valuer.

CONCLUSION


That Council support the proposal to commence the procedures to sell the Land, known as Reserve No. 2 PS447403J to the north of the Shanika's in order to:

- commence the statutory procedures associated with a proposal to sell the Land;
- allow further discussions with the Shanika's in relation to the sale;
- commence the process to subdivide the Reserve and remove the reserve status from the Land; and
- allow Shanika's to lodge a planning application for the development of the Land.

7 Lakeside Bvd Aerial Photo



18/08/2016

PLAN UNDER SECTION 24A OF THE SUBDIVISION ACT 1988.			EDITION 1		PS 747093 Y	
LOCATION OF LAND PARISH: Pakenham TOWNSHIP: --- SECTION: --- CROWN ALLOTMENT: --- CROWN PORTION: 14C (pt) TITLE REFERENCE: Vol. XXXX Fol. XXX & Vol. XXXX Fol. XXX LAST PLAN REFERENCE: Lot 2002 & RES.No 2 PS 447403 J POSTAL ADDRESS: Lakeside Boulevard, Pakenham 3810 (at time of subdivision) MGA CO-ORDINATES: E: 364 500 ZONE: 55 (of approx centre of land in plan) N: 5 786 110 GDA 94			Council Name: Cardinia Shire Council <u>EXPLANATORY NOTE:</u> <u>WARNING:</u> This plan is unregistered. Alterations may be required by Council and the Registrar of Titles prior to Registration, Nobellius Land Surveyors accepts no responsibility whatsoever for any loss or damage suffered.			
VESTING OF ROADS AND/OR RESERVES			NOTATIONS			
IDENTIFIER		COUNCIL/BODY/PERSON		This is a Spear Plan <u>PURPOSE OF PLAN</u> Removal by the Cardinia Shire Council of the Reservation status, created by PS447403J, over the land transferred to lot 1 on this plan. <u>GROUND FOR REMOVAL</u> Cardinia Shire Council Planning Permit No. LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS		
Nil		Nil				
NOTATIONS						
DEPTH LIMITATION: DOES NOT APPLY			This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No. ---			
SURVEY: This plan is based on survey.						
STAGING: This is not a staged subdivision. Planning Permit No.						
EASEMENT INFORMATION						
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)						
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
NOBELIUS LAND SURVEYORS  P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobellius.com.au		SURVEYORS FILE REF: 14,743		ORIGINAL SHEET SIZE: A3		SHEET 1 OF 2
		LICENSED SURVEYOR: R. P. NOBELIUS VERSION 2				

