

4 4 AND 6 SYDNEY AVENUE, EMERALD - SALE OF LAND

FILE REFERENCE INT1725631

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Russell Hodges

RECOMMENDATION

That:

1. 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 Emerald advising of a proposal to sell 6 Sydney Ave Emerald.
2. In the event of submissions being received, a committee comprising of the 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.

Attachments

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EXECUTIVE SUMMARY

Council owns vacant land at 6 Sydney Ave Emerald which is excess to Council requirements. The abutting land owner at 4 Sydney Ave also has a vacant land parcel that they propose to sell and the two lots together will create a restructure allotment. It is proposed that the two land parcels be offered to the market at one time with a requirement that the land parcels be consolidated following the sale of land.

BACKGROUND

Council owns a vacant parcel of land at 6 Sydney Ave lot 64 as shown on the locality plan (Council Land).

Council has been approached by a representative of the owner of 4 Sydney Ave (Abutting Land) to consider if Council would purchase the adjoining land parcel, 4 Sydney Ave or sell our land in conjunction with his land.

Both lots 63 and 64 are subject to a Restructure Overlay, requiring both lot 63 and 64 to be consolidated, prior to Council being able to consider an application for a dwelling.

Details of the properties are as follows:

	Lot 63	Lot 64
Ownership	Mr Procter	Council land
Use	Vacant land occupied with abutting house on lot CP163188	Vacant land
Zoning	LDRZ2	LDRZ2
Overlays	Restructure Design and Development, Bushfire management and vegetation protection	Restructure Design and Development, Bushfire management and vegetation protection
Land area	1354	1313

It is proposed that Council will offer the Council Land to the market in conjunction with the Abutting Land on a basis that the costs associated with the sale of the land be shared and the sale return also be shared.

POLICY IMPLICATIONS

The State Government 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. Furthermore, the Guidelines propose that land sales should be by a market tested sales campaign, unless there is some community benefit that accrues by a sale by alternative means.

If the Council land is to be sold it would be envisaged that it is marketed by a public sale process in accordance with the Guidelines.

RELEVANCE TO COUNCIL PLAN

The relevant Council Plan objective is that ‘We continue to plan and manage the natural and built environment for future generations’. The objective is to be achieved through balancing the needs of development, the community and the environment.

CONSULTATION/COMMUNICATION

An internal referral process has been carried out and no concerns were raised in relation to the sale of the Council Land as it was considered to be in excess of Council needs.

If Council were to sell the Council Land it would be necessary to carry out the statutory procedures associated with the sale of land in accordance with section 189 and 223 of the Local Government Act 1989 including giving public notice and hearing any submissions received.

FINANCIAL AND RESOURCE IMPLICATIONS

If Council proceeds with sale of the Council Land in conjunction with the Abutting Land, Council would be required to share the sales costs and legal costs associated with sale. Such costs are not budgeted for, however the costs will be recovered from the revenue achieved from the sale of the Council Land.

CONCLUSION

The Council Land is considered to be excess to Council needs and the sale of the Council Land in conjunction with the Abutting Land provides an opportunity for a restructure allotment to be made available to the market.

