

### **3 PROPOSAL TO SELL LAND AND REMOVE RESERVE STATUS - CUMBERLAND DRIVE RESERVE, PAKENHAM**

FILE REFERENCE INT1855461

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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 the land known as Reserve 3 PS 638885 Cumberland Drive Pakenham.
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, a report will be presented to Council to determine whether to proceed with the sale of the land.
4. That Council lodge a subdivision application to remove the reserve status.
5. That Council commence an expression of interest to offer the land for sale subject to statutory procedures being carried out.

#### **Attachments**

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#### **EXECUTIVE SUMMARY**

Council owns the property known as Reserve 3 Cumberland Drive, Pakenham (Land) which was transferred into Council ownership in 2015 as part of the open space contribution associated with Blue Horizons Estate, Stage 14, and subdivision of land. The Land is considered to not be required for this use and as such is excess to Council requirements. Council's Community Strengthening team has identified this parcel as a potential site for use for a Community Housing project and should the Reserve Status be removed and a decision made to sell the Land, following the statutory procedures required under the Local Government Act 1989 (LGA) then the Land would be suitable for such use

#### **BACKGROUND**

Reserve 3 Cumberland Drive, as shown on the attached locality plan has been identified by Council's Community Strengthen team as land that would be suitable for the development of a disability housing facility. Research has indicated that the Land could accommodate a mix of one and two bedroom units to accommodate people with a disability, either in a single bedroom unit or a two bedroom unit to allow for the accommodation of support staff as well. A community hub could also be developed within the site to provide further support for the residents.

The Land was transferred to Council in 2015 as part of the subdivision of the residential area. It abuts IYU Recreational Reserve which is a large reserve currently being developed for Community use and provides adequate open space for this area. The Land is vacant undeveloped land. Further details of the Land are as follows:

Property particulars: Reserve 3 on PS 638885 and is more particularly described in Certificate of Title Volume 11609 Folio 913

Land area: 2953 square metres

Zone: General Residential Zone 1

Overlays: Development Contributions Plan Overlay - Schedule 1 (DCP01)

In order to consider the suitability of the sale of the Land, Council must carry out the statutory procedures under section 189 and 223 of the Local Government Act 1989, by giving public notice and considering all submissions received, before a decision is made in relation to the suitability of selling the Land.

Furthermore as the Land is a reserve on Title is it necessary prior to the sale of the Land, to remove the reserve status from the Land under Section 24 of the Subdivision Act 1988.

## **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 all sales should be by a market tested sales campaign. It is proposed that Council will carry out an expression of interest campaign to determine a suitable proponent that could purchase the Land and develop it to achieve the best outcome to deliver the proposed community housing project.

## **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**

Extensive consultation has been conducted within Council Business Units to establish the suitability of a proposal to sell the Land and to accommodate the proposed use and such a proposal has been endorsed.

It is proposed that Council will give public notice of the intention to sell the Land 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.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

If a decision is made to proceed with the sale of the Land it is proposed that a market valuation of the Land be carried out and this will be factored into the decision making process, following an expression of interest. Council will also consider any community benefit derived by the sale of the Land and the development of the project. All legal, marketing, valuation and survey costs will be covered as part of the sale of the Land.

## **CONCLUSION**

Taking account of the current use of the Land and the proximity to IYU Reserve and the ongoing need for community housing within Pakenham it is recommended that Council explore the suitability of selling the Land, by commencing the statutory procedures to sell the land and proceeding with an expression of interest for the sale and development of the Land accordingly.

Cumberland Drive Reserve:

