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# Officers' Reports

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## Disposal of 70 Volk Road, Cranbourne West

ITEM: 5.7.

Corporate Services

Finance and Property Services

Simone Wickes

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**Purpose of Report:** For Council to consider the disposal of land at 70 Volk Road, Cranbourne West

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### Recommendation

#### That Council:

1. Commences the statutory procedures in accordance with the Local Government Act 2020, for the sale of land known at Lot 2 on PS835801H and located at 70 Volk Road, Cranbourne West to the adjoining landowner (see Attachment 2) being 2,885m<sup>2</sup>.
2. Advertises the public notice outlining the Proposal in accordance with Section 114 of the Local Government Act 2020 including the intention to sell the land by private treaty.
3. Considers any submissions lodged in response to the public notice under Section 114 of the Local Government Act 2020 at a future meeting, the time, date and place for which shall be arranged by the Chief Executive Officer.
4. Receives a further report following the completion of the procedures under section 114 of the Local Government Act 2020 once the public notice period has closed.

### Officer General or Material Interest

No Council officers involved in the preparation of this report have a general or material interest in matters for consideration.

### Council Plan Reference

3.1 Create an adaptable, innovative and financially sustainable organisation that delivers maximum community benefit

### Background

Council purchased land at 275 Evans Road, Cranbourne West in 2019. The purchase of this property was to support delivery of the Volk Road Construction Project in accordance with the Cranbourne West Precinct Structure Plan. The road construction project is now complete.

A mixed use allotment was subsequently created as a result of surplus land. A property plan (Attachment 1) provides a locality aspect. Lot 2 on Plan of Subdivision 835801H ('Lot 2') was created to define the surplus land as 70 Volk Road, Cranbourne West (Attachment 2) and this lot consists of 2,885m<sup>2</sup>.

There are no identified future municipal uses for Lot 2 and this land was subsequently identified as surplus to Council's needs. To support the progress of this project, Council needs to undertake a formal process for the disposal of the subject land under the Local Government Act and approval to proceed is now sought.

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## **Executive Summary**

The adjacent landowner/developer at 265 Evans Road, Cranbourne West has approached Council to purchase the subject land to incorporate as part of their future development at their existing property known as 265 Evans Road, Cranbourne West.

There are limitations in the size and dimensions of the land, that would limit Council's ability to sell this land via public auction, therefore a direct sale approach is recommended.

## **Legislation/Legal**

Under Section 114 of the Local Government Act 2020 (The Act), Council is able to acquire, hold, deal with or dispose of property for the purpose of performing its functions and exercising its powers.

Council's power to sell land is authorised under Section 114 of the Act and requires Council to:

- Publish public notice of its intention to sell the land at least 4 weeks prior to selling land on Council's Internet site;
- Undertake a community engagement process in accordance with Council's Community Engagement Policy; and
- Obtain a market valuation of the land from a qualified valuer that is not more than 6 months old at the date of sale.

Council's solicitor would prepare the necessary documentation under the relevant Act.

## **Council Policy**

Council adopted its Property Strategy in December 2017. The objectives under the Strategy ensure that any proposed property disposal:

- Is tested to confirm the existing property purpose is no longer required to deliver the current or identified future service needs;
- Would not qualify to be acquired under the Acquisition Policy and objectives for another Council service; and
- Can demonstrate a maximised market value and value for money.

The proposed sale meets the objectives of the Property Strategy.

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## Options

The first option recommended in this report is to give public notice and seek the community's feedback on Council's intention to sell Lot 2. Following this, Council would propose to sell Lot 2 to the adjoining landowner if there are no submissions lodged with Council that require its consideration. The funds from the proposed sale of the property would be applied to fund acquisitions of land in areas where Council has an identified need to deliver services and infrastructure to the community.

The second option is to continue to hold and maintain the property. This is not recommended as the land is no longer required for current or future Council purposes and continuing to hold the land comes with associated costs.

## Community Engagement

Community engagement will be carried out in accordance with Council's Community Engagement Policy as required under Section 112 of the *Local Government Act 2020* following a resolution by Council.

Council's community engagement platform Casey Conversations will be utilised to seek community feedback on the proposed land disposal, along with publishing the public notice on Council's website.

## Financial Implications

Council is required to have a valuation of the property that is not more than 6 months old at the date of sale. The proceeds from the proposed sale would be credited to Council's Land Acquisition Reserve.

Council's legal costs associated with the sale would be reimbursed by the purchaser.

## Conclusion

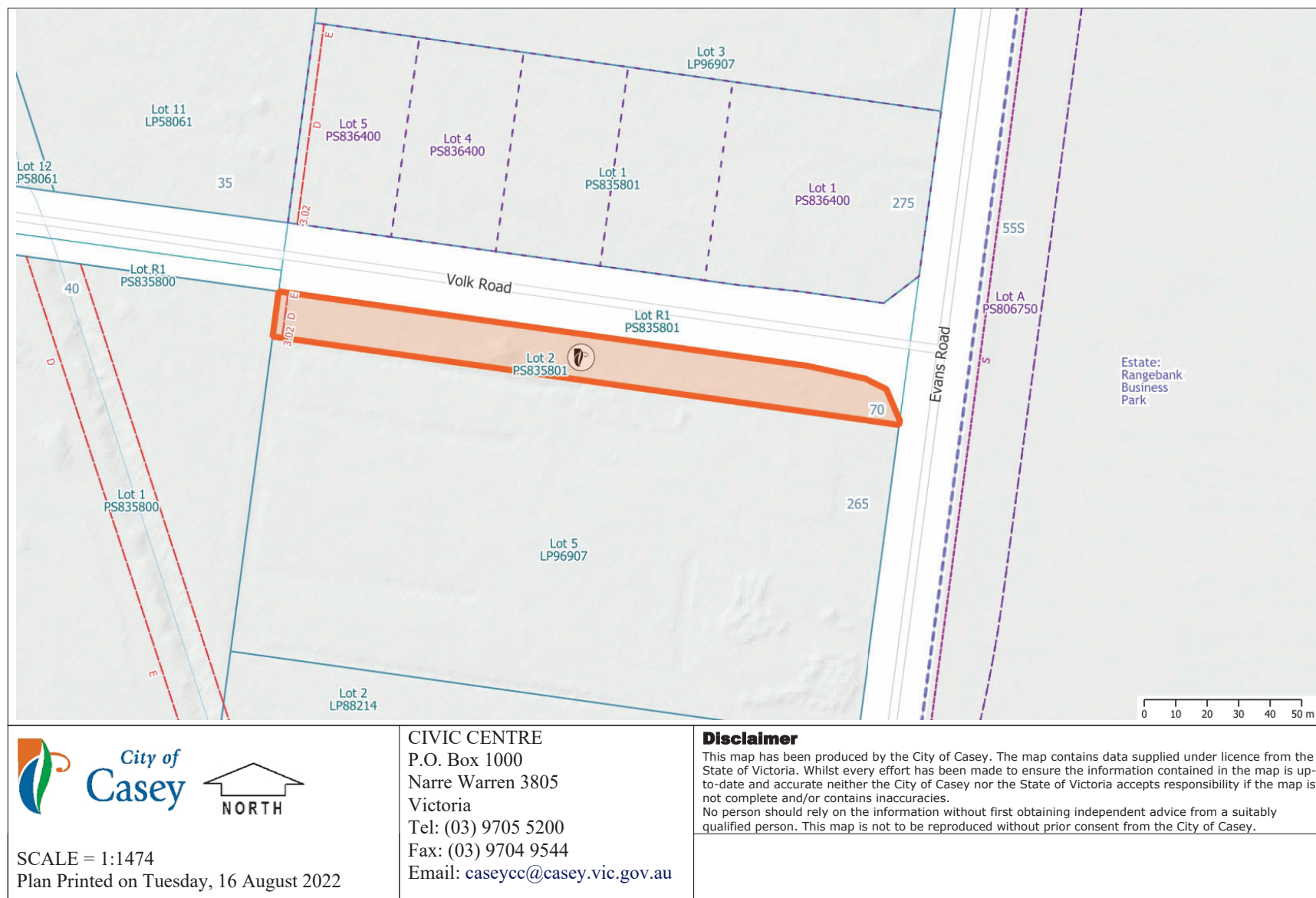
The land at 70 Volk Road, Cranbourne West has no identified future municipal use, and is considered surplus to Council's needs. Council has been approached by the adjacent landowner seeking to purchase this land. It is recommended that Council commence the processes required under the Local Government Act 2020 to undertake community engagement and seek feedback on the proposed disposal of land.

Council has the opportunity to utilise the funds from the sale of the subject land to acquire properties identified under Council's Land Acquisition Program.



## Attachments

1. Property Plan 70 Volk Road [5.7.1 - 1 page]
2. Plan of Subdivision 70 Volk Road [5.7.2 - 3 pages]

## PROPERTY PLAN:



| <b>PLAN OF SUBDIVISION</b><br>UNDER SECTION 35 OF THE SUBDIVISION ACT 1988   |                            |  |                       | <b>EDITION 1</b>   | <b>PS 835801H</b>                   |          |   |           |  |   |  |
|--|----------------------------|--|-----------------------|--|-------------------------------------|----------|---|-----------|--|---|--|
| <b>Location of Land</b><br>Parish: LYNDHURST<br>Township: -<br>Section: -<br>Crown Allotment: 19A (PART)<br>Crown Portion: -<br>Title Reference: VOL.8966 FOL.007<br><br>Last Plan Reference: LOT 4 ON LP96907<br><br>Postal Address: 275 EVANS ROAD<br>(at time of subdivision) CRANBOURNE WEST 3977<br><br>MGA2020 Co-ordinates<br>(of approx. centre of land in plan) <table style="margin-left: 100px; border: none;"> <tr> <td style="padding: 0 10px;">E</td> <td style="padding: 0 10px;">347 045</td> <td style="padding: 0 10px;">Zone: 55</td> </tr> <tr> <td style="padding: 0 10px;">N</td> <td style="padding: 0 10px;">5 783 335</td> <td></td> </tr> </table> |                            |  |                       | E  | 347 045                             | Zone: 55 | N | 5 783 335 |  | Council Name: Casey City Council<br>Council Reference Number: SubA00266/19<br>Planning Permit Reference: N/A<br>SPEAR Reference Number: S146816C<br>This is a plan under section 35 of the Subdivision Act 1988 which creates an additional lot.<br><b>Certification</b><br>This plan is certified under section 6 of the Subdivision Act 1988<br>Digitally signed by: Michele Scarlett for Casey City Council on 04/11/2019<br><b>Statement of Compliance</b> issued: 06/11/2019 |  |
| E  | 347 045                    | Zone: 55   |                       |  |                                     |          |   |           |  |   |  |
| N  | 5 783 335                  |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Vesting of Roads and/or Reserves</b>  |                            |  |                       | <b>Notations</b>   |                                     |          |   |           |  |   |  |
| Roads and reserves vests in the council/body/person named when the appropriate vesting date is recorded or transfer registered. Only roads and reserves marked (%) vest upon registration of this plan.  |                            |  |                       | LAND TO BE ACQUIRED BY AGREEMENT: ROAD R1, LOT 2<br>LAND TO BE ACQUIRED BY COMPULSORY PROCESS: NIL<br>ALL LAND IS TO BE ACQUIRED FREE FROM ALL ENCUMBRANCES OTHER THAN ANY EASEMENTS SPECIFIED ON THIS PLAN. |                                     |          |   |           |  |   |  |
| <b>Identifier</b>  | <b>Council/Body/Person</b> |  |                       |  |                                     |          |   |           |  |   |  |
| ROAD R1  | CASEY CITY COUNCIL         |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Notations</b>   |                            |  |                       |  |                                     |          |   |           |  |   |  |
| Depth Limitation   | 15.24m                     |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Staging</b> This is not a staged subdivision<br>Planning Permit No. -   |                            |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Survey</b> This plan is based on survey<br>This survey has been connected to permanent marks no(s) PM1257, PM1542, PM1623 PM1729<br>In Proclaimed Survey Area No. 52      PM1732, DVA71/54, MPDWB 92/057  |                            |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Easement Information</b>  |                            |  |                       |  |                                     |          |   |           |  |   |  |
| Easements marked (-) are existing easements.<br>Easements marked (+) are created upon registration of this plan.<br>Easements marked (x) are created when the appropriate vesting date is recorded or transfer registered.<br>Easements marked (x) are removed when the appropriate vesting date is recorded or transfer registered.   |                            |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Legend:</b> E - Encumbering Easement, Condition in Crown Grant in the Nature of an Easement or Other Encumbrance      A - Appurtenant Easement      R - Encumbering Easement (Road)   |                            |  |                       |  |                                     |          |   |           |  |   |  |
| <b>Symbol</b>  | <b>Easement Reference</b>  | <b>Purpose</b>   | <b>Width (Metres)</b> | <b>Origin</b>  | <b>Land Benefitted/In Favour Of</b> |          |   |           |  |   |  |
| -  | E-1                        | DRAINAGE   | 3.02                  | LP96907  | LOTS ON LP96907                     |          |   |           |  |   |  |
| <b>LAND DIMENSIONS</b><br><br>A.C.N. 129 548 054<br>Level 1 Suite 2<br>327 Police Road, Mulgrave<br>Tel: (03) 9790 0399<br>www.landdimensions.net.au   |                            | SURVEYORS FILE REF: 19406S<br>Digitally signed by: Mark Sean Howley, Licensed Surveyor,<br>Surveyor's Plan Version (A),<br>13/09/2019, SPEAR Ref: S146816C |                       | ORIGINAL SHEET<br>SIZE: A3   | SHEET 1 OF 3 SHEETS                 |          |   |           |  |   |  |
| <b>PLAN REGISTERED</b><br>TIME: 11.39 DATE: 15/01/2020<br>Ian R Mcleod<br>Assistant Registrar of Titles  |                            |  |                       |  |                                     |          |   |           |  |   |  |

|  |                                     |   |      |   |                                  | PS 835801H   |  |
|--|-------------------------------------|---|------|---|----------------------------------|--|--|
| VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND   |                                     |   |      |   |                                  |  |  |
| Land affected  | Land acquired by compulsory process |   |      |   | Land acquired by agreement       | LRS reference of transfers or notations of vesting dates | Assistant Registrar of Titles<br>Signature |
|  | Vesting date                        | Government Gazette  |      | Date of recording of vesting date   | Date of registration of transfer |  |  |
|  |                                     | Page  | Year |   |                                  |  |  |
| ROAD R1<br>LOT 2   | -                                   | -   | -    | -   |                                  | AS804091K<br>AS804091K                                   | IRM<br>IRM                                 |
|  |                                     |   |      |   |                                  |  |  |
|   |                                     | A.C.N. 129 548 054<br>Level 1 Suite 2<br>327 Police Road, Mulgrave<br>Tel: (03) 9790 0399<br><a href="http://www.landdimensions.net.au">www.landdimensions.net.au</a> |      | SCALE<br><br>LENGTHS ARE IN METRES | ORIGINAL SHEET<br>SIZE: A3       |  | SHEET 2                                    |
| Digitally signed by: Mark Sean Howley, Licensed Surveyor,<br>Surveyor's Plan Version (A),<br>13/09/2019, SPEAR Ref: S146816C |                                     |   |      | Digitally signed by:<br>Casey City Council,<br>04/11/2019,<br>SPEAR Ref: S146816C                                     |                                  |  |  |

