



14.3 INTENTION TO SELL: 39-47 CAMDEN STREET, BALACLAVA - REPORTING OF SUBMISSIONS IN RESPONSE TO PUBLIC NOTICE

EXECUTIVE MEMBER: CHRIS CARROLL, GENERAL MANAGER, CUSTOMER, OPERATIONS AND INFRASTRUCTURE

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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 39-47 Camden Street, Balaclava.

2. EXECUTIVE SUMMARY

- 2.1 City of Port Phillip has formally notified the public of its proposal to sell 39-47 Camden Street in Balaclava, ("Notice").
- 2.2 This is a process required by legislation. It is separate from a transaction process.
- 2.3 The Notice (Attachment 1) outlines the terms of the proposed sale, inviting submissions on the proposal, and highlighting the opportunity for those making submissions to be heard before Council in support of those submissions.
- 2.4 In response to the Notice a submission (Attachment 2) has been received, and the submitter has asked to be heard in support of its submission.
- 2.5 The submission expresses an interest in purchasing the land.
- 2.6 Officers will consider the submission and at a subsequent Ordinary Meeting of Council recommend whether to proceed with a sale.
- 2.7 The subsequent sale of the asset is anticipated to facilitate redevelopment of the Carlisle Retail Precinct.

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 39-47 Camden Street, Balaclava, 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 12 January 2021).
- 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 feedback.



4. KEY POINTS/ISSUES

- 4.1 In performing its function and exercising its powers City of Port Phillip acquires, deals with and disposes of land. 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.
- 4.3 On 19 November 2019 Council resolved to commence that process, to consider selling 39-47 Camden Street, Balaclava.
- 4.4 Consequently, a notice (Attachment 1) was published in *The Age* newspaper on 7 December 2020 – informing of Council’s sale proposal, noting the right of any person 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 Additionally, a courtesy letter was sent to neighbouring owners, traders and residents, attaching the notice.
- 4.7 One submission was received in response to the notice – by Property Development Solutions (Aust) Pty Ltd. The submission is included as Attachment 2.
- 4.8 The submission notes:
 - the intention of the submitter on behalf of their clients to pursue development within the Balaclava Retail Renewal Precinct;
 - their interest in acquiring the subject site; and
 - their preference/desire to acquire it through direct negotiations (ahead of and rather than an open market transaction).
- 4.9 Council is required to consider any submissions received prior to determining whether to proceed with a sale.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Complying with its statutory obligations, Council has invited public submissions on its intention to sell this Council property.
- 5.2 A letterbox drop and mail-out to 138 owners, residents and traders of neighbouring properties was undertaken on 7 December 2020.
- 5.3 The sale contemplated by the Notice of Intention to Sell would be on the open market and publicly advertised - the default way for municipal councils to sell land 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 One of the potential benefits of a sale of the property is that will release capital to Council, directed to Council’s Strategic Property Fund for future reinvestment in Council’s property portfolio.



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8. ENVIRONMENTAL IMPACT

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

9. COMMUNITY IMPACT

9.1 As noted in the Council report of 19 November 2019, the transactions of Council's property within the Precinct are intended to facilitate redevelopment of the Carlisle Street Retail Precinct, and achieve multiple community outcomes, including replacement public car parking, improved amenity and retail experience, and improved pedestrian access and safety. The Structure Plan acknowledges that redevelopment cannot be fully realised without the Council land.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 This report supports transparent governance and an actively engaged community.

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 the submitter 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: 20/01/307

ATTACHMENTS

1. Notice of Intention to Sell
2. Submission received in response to Notice of Intention to Sell (redacted)