

**10.1 INTENTION TO SELL: 351 ST KILDA RD, ST KILDA -  
REPORTING OF SUBMISSIONS IN RESPONSE TO PUBLIC  
NOTICE**

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**1. PURPOSE**

- 1.1 To report the submissions in response to a notice published in accordance with *section 114 of the Local Government Act 2020* ("Act") advising of Council's intention to sell its land at 351 St Kilda Road, St Kilda.



*Image above: the subject site, 351 St Kilda Road, St Kilda*

**2. EXECUTIVE SUMMARY**

- 2.1 Council is proposing to sell a small piece of land located at 351 St Kilda Road, St Kilda.
- 2.2 It is land Council has managed and maintained since the 1970's, a residual parcel resulting from road widening.
- 2.3 Council has formally asked the community what they think about the proposed sale.
- 2.4 In response, 64 submissions have been received. This comprised:
- 46 responses (72%) against the proposed sale;



- 15 responses (23%) in favour; and
  - 3 that did not clearly indicate a preference.
- 2.5 Most did not support proceeding with the proposed sale. Of these, common themes were: the social value of retaining green space; the negative impacts of development; and specifically, the negative impacts of social/affordable housing.
- 2.6 Of the fifteen responses in favour of proceeding with a sale:
- nine were in favour of proceeding on the basis proposed;
  - three in favour of proceeding, but not for low income housing;
  - three were in favour of proceeding, with housing for low income or homeless persons, or for specific target groups of low-income households.
- 2.7 Officers will consider the submissions and at a subsequent Ordinary Meeting of Council recommend whether to proceed with a sale.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes that it has formally sought and received feedback in relation to its intention to sell 351 St Kilda Rd, St Kilda.
- 3.2 Notes the submissions of response received by the end of the notice period (of 11.59pm on 31 October 2021).
- 3.3 Thanks the submitters for their submissions.
- 3.4 Formally considers the submissions received at a subsequent meeting of Council, once Officers have had the opportunity to consider the feedback.

### 4. KEY POINTS/ISSUES

#### Call for community feedback

- 4.1 At its Ordinary Meeting of 26 May 2021 Council resolved to consult with the community of its intention to sell 351 St Kilda Road, St Kilda.
- 4.2 Consultation commenced with a notice (**Attachment 1**) published on the relevant section of Council's website. A request for public feedback was also published in *The Age* newspaper.
- 4.3 The consultation was designed to:
- present the community with the proposed sale of the subject land, information about the proposed sale, and to receive submission from any person or organisation concerning that proposed sale;
  - ensure that neighbouring owners are aware of the proposed sale and to ensure they have an opportunity to provide comment;
  - comply with Section 114 of the *Local Government Act 2020*; and
  - enable members of the public to register comments concerning the proposed sale for Council's consideration, prior to a decision on whether to sell the land.



- 4.4 The consultation was promoted to the whole City of Port Phillip community but with emphasis on residents and businesses in the immediate area of the subject site, as the proposed sale is likely to be of most interest to those living close by.
- 4.5 Around 600 letters were delivered to neighbouring properties to let them know of the intention to sell, attaching the notice.
- 4.6 Also, approximately 600 emails were sent to the owners of dwellings and shops in the immediate area, advising of the proposal, and attaching the notice.
- 4.7 Signs were also installed on site to draw the attention of passers-by to Council's intention to sell the land.

#### **Responses received**

- 4.8 There were 732 views of the "Have Your Say" page.
- 4.9 There were 64 written submissions to the page (**Attachment 2**), including one separately uploaded submission (**Attachment 3**). In the attachments personal information and content that is potentially defamatory is redacted.
- 4.10 Most submitters were not in favour of selling the site. Many cited a need to keep the green space, some expressing a concern about the impacts of development (for instance, on solar access, parking). Others were concerned that it could be developed as affordable housing.
- 4.11 Some of those who do not support a sale proposed that the site be embellished – for instance, with park benches, BBQ and picnic facilities, soft landscaping, public art, and an electric vehicle charging station, a multi storey play children's play facility.

#### **Next steps**

- 4.12 Officers will consider the submissions and at a subsequent Ordinary Meeting of Council recommend whether to proceed with a sale.
- 4.13 Council is required to consider any submissions received prior to determining whether to proceed with a sale.

### **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 To help gauge the effectiveness of the consultations, participants providing feedback on Council's intention to sell were asked the extent to which they agreed or disagreed with the statement "Council provided me with access to information to enable me to meaningfully participate in this process".
- 5.2 Approximately two thirds of the participants agreed or strongly agreed to this statement, and 20% were neutral.
- 5.3 Those who disagreed or strongly disagreed tended to have also been not supportive of Council proceeding with a sale of the property. The correlation was 90%.

### **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 In performing its function and exercising its powers City of Port Phillip can acquire, deal with and disposes of land. Its right to do so is confirmed in Part 5 Division 4 of the Act.
- 6.2 Section 114 of the Act requires Council to consult residents and ratepayers on any proposal to sell land. This is separate from a potential market transaction process.



**7. FINANCIAL IMPACT**

- 7.1 Adoption of the recommendation is not anticipated to affect budget.
- 7.2 Should Council proceed to a sale, a potential benefit from the sale of the property will release capital to Council, directed to Council's Strategic Property Fund for future reinvestment in Council's property portfolio.

**8. ENVIRONMENTAL IMPACT**

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

**9. COMMUNITY IMPACT**

- 9.1 The recommendation, if adopted, provides the opportunity to consider the community feedback prior to making a decision on whether to sell the land.

**10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 This report supports transparent governance and an actively engaged community, and thereby directly addresses Council Plan direction "Well Governed Port Phillip".

**11. IMPLEMENTATION STRATEGY**

**11.1 TIMELINE**

- 11.1.1 Officers intend to consider the submissions and then report to Council, to enable Council to determine whether to proceed with a sale.

**11.2 COMMUNICATION**

- 11.2.1 Officers shall update the Have Your Say webpage, and write to all submitters who have provided their contact details, to advise of the meeting at which Council will decide whether to proceed with a sale.

**12. OFFICER DIRECT OR INDIRECT INTEREST**

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

**ATTACHMENTS**

- 1. Notice of Intention to Sell 
- 2. Submissions 
- 3. Submission uploaded by The Kind Designer 