

7.1.6 PROPOSED SALE OF 14 BOGONG AVENUE, GLEN WAVERLEY

Responsible Manager:	Mark Gibson, Manager Property and City Design
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council:

1. Notes that on 31 March 2020, Council resolved not to proceed with the sale of 14 Bogong Avenue Glen Waverley (the Land) due to the investigation works being undertaken by the Suburban Rail Loop Authority (SRLA) to identify the preferred location of its station within the Glen Waverley Activity Centre.
2. Notes that the land is not required for the SRLA project.
3. Notes that it has been over 3 years since Council previously completed the statutory process on the proposal to sell the Land, and that a sale of the Land will require Council to undertake a new community engagement process to satisfy its statutory requirements in accordance with Section 114 of the Local Government Act 2020 (the Act).
4. Resolves to commence the statutory process pursuant to Section 114 of the Act regarding the proposal to sell the land, described in Certificate of Title Volume 7933 Folio 192 through a public auction or private treaty (the Proposal).
5. Gives public notice of the Proposal in accordance with Section 114 of the Act and Council's Community Engagement Policy on Council's website from 11 September 2023 and invites submissions on the Proposal for a period of at least 28 days from that date.
6. Authorises Council's Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to fulfil the requirements of Section 114 of the Act and Council's Community Engagement Policy in respect of the Proposal.
7. Appoints a Committee of Council comprising the Mayor and Glen Waverley Ward Councillors to hear any submitters requesting to be heard and consider any submissions received at a meeting to be held on 14 November 2023 at 6:30pm at the Monash City Council Civic Centre, 293 Springvale Road, Glen Waverley, or at such a later time and date as the Chief Executive Officer may determine.
8. Following the meeting of the Committee, directs the Committee to provide a report to Council on its considerations, including whether any submissions were received and, if so, a summary of those submissions, and make a recommendation to Council on whether or not to proceed with the Proposal.

INTRODUCTION

The purpose of this report is to provide an update on Council's Land at 14 Bogong Avenue, Glen Waverley (the Land), including Council's previous decision to sell the Land and to seek Council's approval to commence the statutory process for the proposed sale of the Land through a public auction or private treaty.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.

Good Governance

Ensure a financially, socially and environmentally sustainable organisation.

BACKGROUND

Council had previously resolved at its meeting in November 2019 to progress the sale of 14 Bogong Avenue, Glen Waverley, by setting a reserve price for the land following the requirements of Sections 189 and 223 of the Local Government Act 1989.

However, at its meeting on 31 March 2020, Council received a report on the status of a proposed mixed-use, multi-level car park to be built on Montclair Avenue, Glen Waverley due to the investigative works being undertaken by the Suburban Rail Loop Authority (SRLA) as part of identifying a preferred location for its station in the Glen Waverley Activity Centre.

The report detailed the risks of the planned SRLA Project to three Council projects that were currently underway in the Glen Waverley Activity Centre, which included the mixed-use multi-level car park located at Montclair Avenue, the proposed sale of 14 Bogong Avenue and 155 Coleman Parade, Glen Waverley.

Due to the above, Council resolved not to pursue the sale of the land at this time. The full Council resolutions are as follows:

"That Council:

- 1. Notes that there is currently investigative work underway by the Suburban Rail Loop Authority (SRLA) to identify the preferred locations for all its stations in Monash including the Glen Waverley Activity Centre (GWAC).*
- 2. Notes that Council officers have commenced preliminary discussions with the SRLA regarding possible location options for the Suburban Rail Loop (SRL) station in the GWAC including identifying potential issues and opportunities for any location.*
- 3. Notes that Council currently has three projects within the GWAC that are potentially affected by any eventual preferred station location and associated works. These projects are:*
 - (a) 2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley.*
 - (b) The Kingsway streetscape renewal works (the design for which is planned to commence following completion of (a) above); and*

- (c) *The marketing and sale of Council properties at 14 Bogong Avenue, Glen Waverley and 155 Coleman Parade, Glen Waverley to fund the Euneva Avenue carpark Level 1 office fit-out and provision of required/displaced car parking proposed to be provided in the proposed mixed use multi-level car park referred to in (a) above. (“the Projects”).*
4. *Resolves that in relation to Project 2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley, Council will:*
- (a) *Suspend works on this project for a period of time of either up to six months or upon any announcement on the preferred location of the SRL station in the GWAC (including the opportunities and any possible impacts on the project and the broader GWAC), whichever is the sooner.*
- (b) *Note the work completed to date under contract 2019147 and directs officers to write to the principal consultant informing of Council’s above decision to suspend work on this project in accordance with clause 10.3 of contract 2019147.*
- (c) *Note that Council officers will continue to meet with representatives of the SRLA regarding exploration of issues and opportunities for the SRL stations in Monash including the GWAC and notes that officers will report back to Council as appropriate. (d) Direct officers to write to key stakeholders regarding the outcome of this report and prepare a media release regarding the same.*
5. *Directs officers to consider the re-prioritisation of the Projects including the possibility of bringing forward the Kingsway streetscape renewal works, at the appropriate time, noting the opportunities for this project are also associated with the SRLA investigations and that Council will consider a report on the outcome of any re-prioritisation at a future Council meeting.*
6. *Carry forward any remaining budget in relation to Project 2019147 – Principal Consultancy Services - Detailed design for a mixed use multi-level car park, 31-39 Montclair Avenue, Glen Waverley, to next financial year 2020-2021, until the status of the project is reconsidered by Council in accordance with point 5.*
7. *With regards to the sale of 14 Bogong Avenue and 155 Coleman Parade, Glen Waverley (the Properties):*
- (a) *Note Council’s previous resolutions at its meeting on 24 April 2018 (item 2.3, resolutions 2, 4, 5 and 8) regarding:*
- *Endorsing the relocation of Monash Youth Services (Glen Waverley site) and Wavecare Counselling Service to the refurbished Level One Euneva Avenue Car Park;*
 - *Agreeing to the sale of the Properties with the funds from the sale of the properties financing the redevelopment of the Euneva Car Park building Level One at Euneva Avenue Glen Waverley;*
 - *Noting that the sale of the Properties is required to fully fund the project including the replacement car parking and agrees that any surplus funds are put toward future community infrastructure projects as may be endorsed by Council at future Council meetings; and*
 - *Commencing the statutory procedures pursuant to section 189 and 223 of the Local Government Act, 1989 for the sale of the Properties.*

- (b) *Notes that the Monash Youth Services and Wavecare Counselling Service have relocated to Level One Euneva Avenue Car Park from the Properties and the Properties are now vacant.*
- (c) *Notes that the requirement for the replacement/required car parking proposed to be located within the proposed mixed use multi-level car park remains outstanding and will need to be provided in the future.*
- (d) *Notes that the statutory procedures pursuant to sections 189 and 223 of the Local Government Act, 1989 for the sale of the Properties was satisfied by Council on 7 June 2019, that no submissions were received and Council resolved at its Ordinary Council meeting held on 26 November 2019 (item 7.1 a copy of which is provided in Attachment 1 to this report) to progress the sale of the Properties.*
- (e) *Resolves that given the need to suspend works on project 2019147 – detailed design for a mixed use multi-level car park at 31-39 Montclair Avenue, Glen Waverley that there is no immediate need for the income from the sale of the Properties to fund the replacement car spaces.*
- (f) *Resolves that:*
 - 1. *The resolution made in respect of item 7.1 at the Ordinary Council meeting held on 26 November 2019 is amended by deleting paragraphs 1(b) to (e) (inclusive); and*
 - 2. *Council not pursue the sale of the Properties at this time.*
- (g) *Notes that officers will present a future report to Council for consideration of the sale of the Properties (including undertaking all the required statutory processes again) once matters associated with the SRL station location within the GWAC are known and further consideration of the mixed use multi-deck car park can occur. The basis of funding the office fit-out works at Level One Euneva Avenue carpark and the associated provision/replacement of car parking through the sale of the Properties as originally intended and resolved upon by Council is still the recommended course of action.*
- (h) *Resolves that in the above circumstances and until such time as Council resolves to sell the Properties or otherwise, that both Properties be made available for short-term use in accordance with the guiding principles as outlined in Council's Leasing & Licensing Policy, with a preference for supporting community groups or services such as Headspace.*

The land has not been identified by the SRLA as being a requirement for their project. The land remains vacant following the successful relocation of the Monash Youth Services to the Euneva Car Park building Level One, at Euneva Avenue, Glen Waverley.

DISCUSSION

The Land

The City of Monash is the registered proprietor of 14 Bogong Avenue, Glen Waverley described on Certificate of Title Volume 7933 Folio 192, Lot 14 on Plan of Subdivision LP26006 (Please refer to **Attachment 1**). The Land is shown below in red on **Image 1** below.

The Land is approximately 750m² and as mentioned is currently vacant.

The Land is within a Residential Growth Zone 4, with a Principal Public Transport Network overlay. The Land title shows an encumbrance for drainage and sewerage at the rear of the lot.

Image 1 – The Land



The Land was previously identified as surplus to Council's needs and remains surplus to Council's needs.

Funds from the sale of the land were to be directed to the replacement of car parking spaces due to the partial redevelopment of the Euneva Car park, but with the passage of time and with those works having been completed some time ago, the funds will be put toward the construction of the additions to the Bogong Avenue Multi Deck carpark, where works are in the process of commencing.

Statutory Process for the Sale of Council Land

As time has elapsed since Council completed the previous community consultation process, there is a requirement for Council to repeat this process for the proposed sale of the Land in accordance with S. 114 of the Act.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

The proposal to sell the Land supports Council's commitment to financial sustainability in accordance with both the 2021-2025 Council Plan and the 2021-2031 Financial Plan.

CONSULTATION

Prior to commencing a sale process Council is required to comply with S.114 (2) of the Local Government Act 2020.

S.114 (2) of the Act requires a Council:

- (2) *Before selling or exchanging the land the Council must—*
- (a) *at least 4 weeks prior to selling or exchanging the land, publish a notice of intention to do so—*
 - (i) *on the Council's website; and*
 - (ii) *in any other manner prescribed by the regulations for the purposes of this subsection; and*
 - (b) *undertake a community engagement process in accordance with its community engagement policy; and*
 - (c) *obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.*

To address the requirements of the Act and the Community Engagement policy, a public notice of the proposal to sell the Land will be published on Council's website from 11 September 2023.

The public notice will invite submissions on the proposal and advise submitters that they may request to be heard by a Committee of Council prior to a decision being made on the proposal.

Submissions will need to be received within 4 weeks of the date of the public notice. At the end of the public notice period, the Committee comprising of the Mayor and Glen Waverley Ward Councillors will meet to hear and consider any submissions. The Committee will then prepare a report to Council on the outcome of their proceedings and seek a decision of Council as to whether the proposal for the sale of the Land will proceed or not.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

Council resolved not to proceed with the sale of the land due to the investigation works being undertaken by the SRLA to identify the preferred location of its station within the Glen Waverley Activity Centre. The land is not required for the SRLA project.

Therefore, it is proposed that Council commence the statutory process for the proposed sale of the land in accordance with Section 114 of the Local Government Act 2020.

ATTACHMENT LIST

1. Title and Plan [7.1.6.1 - 5 pages]

7/6/23, 11:02 AM

Land Registry Document



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07933 FOLIO 192

Security no : 124107407442J
Produced 06/07/2023 10:59 AM

LAND DESCRIPTION

Lot 14 on Plan of Subdivision 026006.
PARENT TITLE Volume 04587 Folio 311
Created by instrument 2522139 06/10/1952

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MONASH CITY COUNCIL of 293 SPRINGVALE ROAD GLEN WAVERLEY VIC 3150
[AR326053R](#) 08/08/2018

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [LP026006](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 14 BOGONG AVENUE GLEN WAVERLEY VIC 3150

ADMINISTRATIVE NOTICES

NIL

eCT Control 09879X MONASH CITY COUNCIL
Effective from 08/08/2018

DOCUMENT END

Home	Account: 324904		Authority Fee(GST exclusive): \$0.00 Service Fee(GST exclusive): \$0.00 GST Payable: \$0.00 Total: \$0.00	06/07/2023 10:59AM
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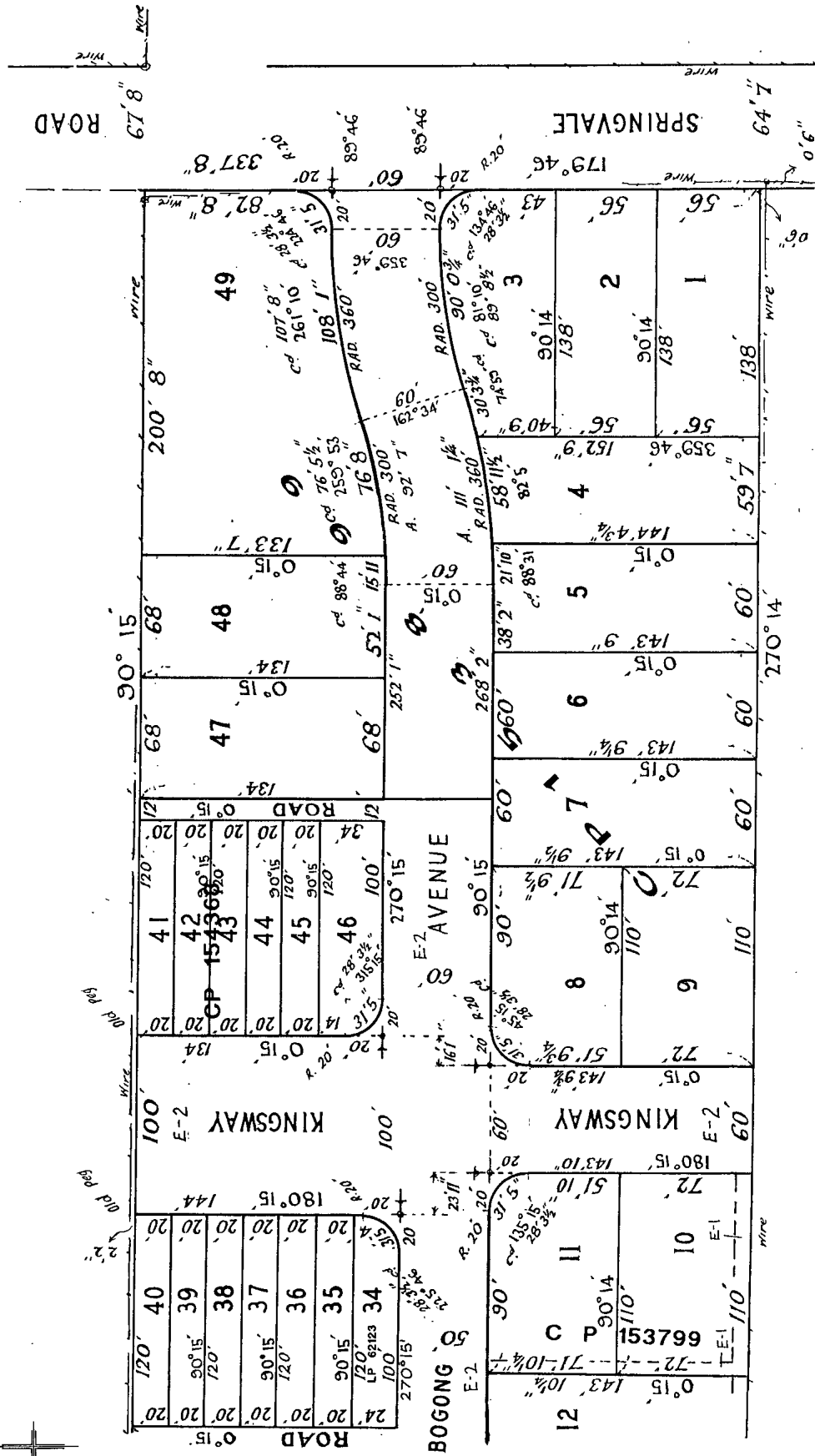
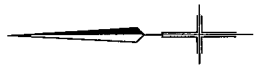
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EDITION 2		PLAN OF SUBDIVISION NO. LP 26006			
Location of Land Parish: MULGRAVE Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: 76 (PART)			PLAN APPROVED / REGISTERED : 06 / 05 / 1953 MUNICIPALITY : SHIRE OF MULGRAVE		
LTO base record: CHART 61 (P.3212) Last Plan Reference: _____ Title Reference: VOL. 4587 FOL 311			Notations:		
Easement Information E - Encumbering Easement A - Appurtenant Easement			THIS EDITION HAS BEEN PREPARED BY THE VICTORIAN LAND TITLES OFFICE		
Easement Reference	Purpose/Authority	Width (Feet)	Origin	Land benefited/In favour of	Checked by
E-1	DRAINAGE & SEWERAGE	6	LP 26006	LOTS ON LP 26006	 Date 23/2/96 Assistant Registrar of Titles
E-2	WAY & DRAINAGE	SEE PLAN	LP 26006	LOTS ON LP 26006	
DIAGRAM SEE SHEET 2					
LIST OF MODIFICATIONS				APPROVAL DATE / /	
LAND	MODIFICATION	DEALING No.	DATE	A.R.T.	EDN. No.
LOTS 24, 25 & 26	REMOVAL OF EASEMENT	T983308C		<i>AB</i>	2
LENGTHS ARE IN FEET & INCHES	SCALE	SHEET SIZE A3	3 SHEETS SHEET 1		

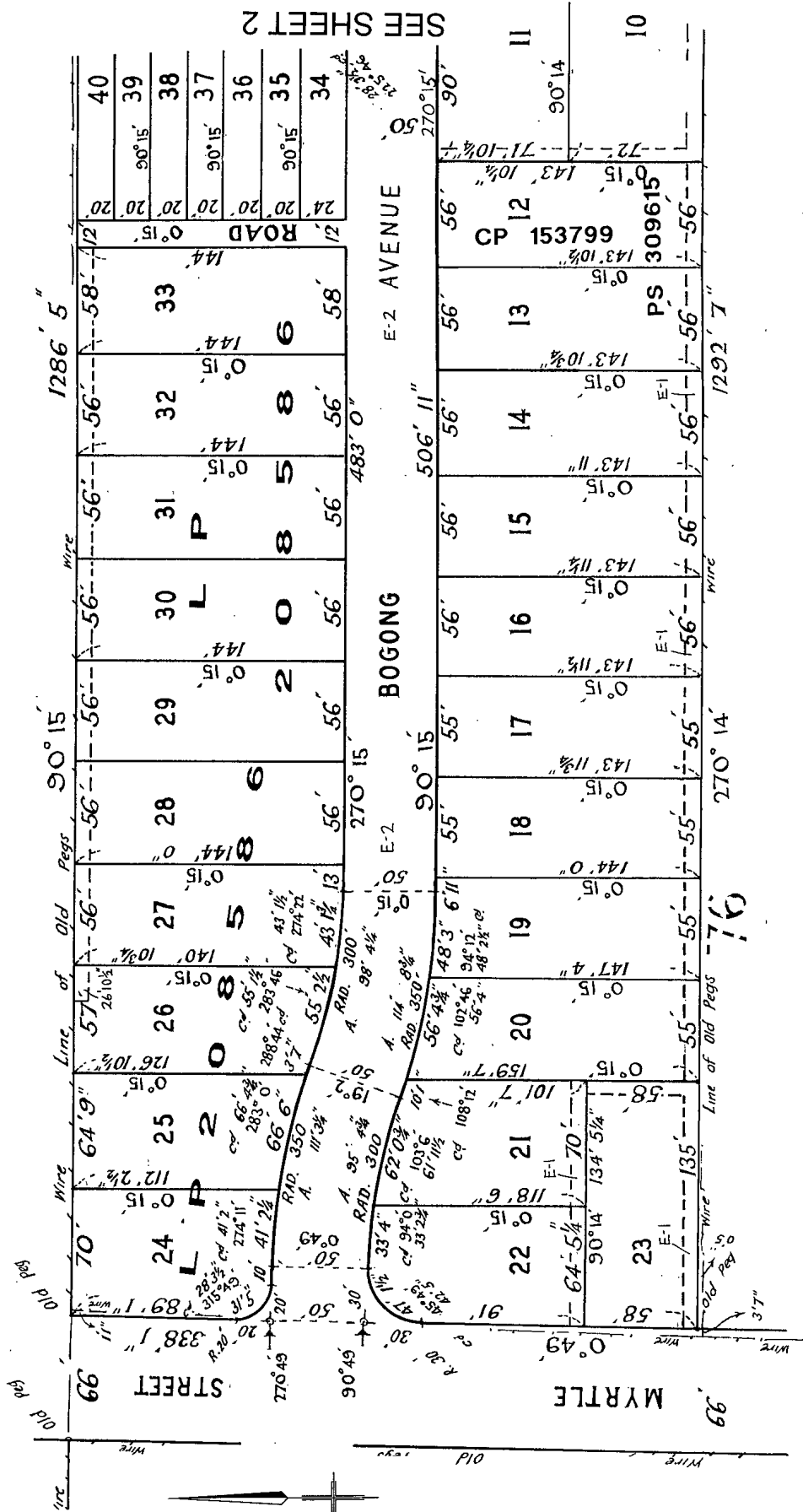
LP 26006

3 SHEETS
SHEET 2



SEE SHEET 3

LP 26006



3 SHEETS
SHEET 3