

SALE OF LAND COMMUNITY SUBMISSION HEARING

Report Author: Coordinator Property
Responsible Officer: Mark Varmalis
Ward(s) affected: Walling

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

This item has been included in the public agenda to facilitate openness and transparency in Council's decision making. A confidential attachment has been included with the report which contains personal information of community members that is not to be disclosed whilst the meeting is open to the public and is considered to be confidential information in accordance with the definition included in Section 3(1) of the Local Government Act 2020.

Any disclosure of the information included within the confidential attachment to this report could be prejudicial to the interests of the Council or other parties. If discussion of this information is required, the Council is recommended to resolve that the item be deferred to the confidential section of the agenda when the meeting is closed to members of the public in accordance with Section 66(2)(a) of the Local Government Act 2020.

SUMMARY

On 5 April 2022, Council gave notice of its intention to sell four land parcels, located at 9A Wannan Crt, Kilsyth, a 2600m² section of 9A Tinnarra Crt, Kilsyth, 182-184 Cambridge Rd, Kilsyth, and 16 Ellis Crt Mooroolbark. All four land parcels are residentially zoned, designated as reserves on title, and located within Walling ward.

By the submission closing date on 9 May, 2022, thirty-eight (38) submissions had been received; 27 received via the webmail form on Council's Shaping Yarra Ranges webpage, and 11 by direct mail/email to Council. Of those submissions, eight (8) submitters indicated their intention to speak in support of their submissions to a Delegated Committee of Council at a Submission Hearing meeting.

The purpose the Submissions Hearing meeting is for the Delegated Committee to receive submissions and hear those speaking in support of their submission. It is recommended that the Delegated Committee then includes its recommendations into a report to be considered at a future Council meeting, at which a decision on the sale of the four land parcels will be made.

RECOMMENDATION

That

- 1. The Delegated Committee, having received and heard all submissions in relation to Council's intention to sell 182-184 Cambridge Rd, Kilsyth, 9A Wannan Court, Kilsyth, 9A Tinarra Court, Kilsyth and 16 Ellis Court, Mooroolbark, incorporate its recommendations into a report to be considered at a future Council meeting.***
- 2. All submitters be informed of the date, time and location of the Council meeting at which Council will make its decision in respect of each of the four land parcels.***
- 3. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(f) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

Council Meeting (26 February 2019) - Proposed Sale and Future Planning Controls - 150 Cambridge Road, Kilsyth - Former Yarra Hills Secondary College

Council Meeting (26 February 2020) - Decision to support Department of Treasury & Finance proposal for re-zoning and sale of 150 Cambridge Road, Kilsyth.

Council Meeting (5 May 2020 and 8 September 2020) - Elizabeth Bridge Reserve Master Plan draft and final endorsement.

Council Meeting (23 March 2021) – Councillor Motion to investigate the processing costs to purchase 150 Cambridge Road, Kilsyth for the purpose of public open space.

Council Meeting (27 April 2021) – Council resolved to write to the state government with a formal expression of interest for the purchase of the former Yarra Hills Secondary College School site at 150 Cambridge Road, Kilsyth.

Council Forum (3 August 2021) - A report was bought to a Councillor briefing highlighting cost and a possible process for the purchase of the land at 150 Cambridge Road Kilsyth.

Council Forum (3 November 2021) - A report was bought to a Councillor briefing that reviewed local parcels of Council owned land that were considered as surplus to Council's long-term requirements and could potentially be sold to contribute towards the purchase price of 150 Cambridge Road Kilsyth.

Council Meeting (8 February 2022) – Council provided in-principal support for the purchase of land at 150 Cambridge Road, Kilsyth, with a formal decision to be made at the 8 March 2020 Council Meeting after the tabling of feedback from the community following consultation.

Council meeting (8 March 2022) – Having considered the results of community engagement on the proposed purchase of Cambridge Road, Kilsyth and the proposed funding model to facilitate the purchase, Council resolved to, in part:

- ‘In accordance with Section 112 of the *Local Government Act 2020*, agree to the formal offer from the Department of Treasury and Finance to acquire the northern 3.581ha of land at 150 Cambridge Road, Kilsyth for its ongoing use as public open space at a cost of \$6.44 million (exclusive of GST)’
- ‘Approve that the funding of the purchase of 150 Cambridge Road, Kilsyth be undertaken utilising the current balance of Public Open Space Funding available to Walling Ward of \$2.97 million in combination with funding from cash reserves of \$3.47 million’
- Propose that the replacement of cash reserves used for the land purchase occur through:
 - Investigating and progressing the sale of four parcels of Council land in the area that are considered of limited community benefit and surplus to needs at:
 - 182-184 Cambridge Road, Kilsyth;
 - 9A Wannan Court, Kilsyth;
 - 16 Ellis Court, Mooroolbark; and
 - 9A Tinarra Court, Kilsyth.
 - Future Public Open Space contributions generated from the Walling Ward.
- ‘Approve the commencement of the statutory processes required for the investigation of the future sale of the four parcels of land aforementioned in accordance with Section 24A of the *Subdivision Act 1988* and Section 114 of the *Local Government Act 2020*’.

DISCUSSION

Purpose of this report

The purpose of the Submissions Hearings meeting is to allow those submitters who nominated their intention to speak in support of their submission to a Delegated Committee assembled under section 63 of the Local Government Act 2020.

The role of the Delegated Committee at the Submissions Hearing meeting is to hear the submissions of those who have requested to speak in support of their submissions, then provide recommendations to Council in a report which will be tabled at a future Council meeting, where decisions on whether or not each of the lots shall be sold will be made.

This report provides the Delegated Committee a copy of all submissions received, including a summary of key themes raised in submissions and officers' response. Councillors have received full, un-redacted copies of submissions received. Redacted copies of submissions received forms Attachment 1 to this report.

Engagement results summary

By the close of the submissions period on 9 May 2022, thirty-eight individual written submissions had been received.

Property submitted on	Total Submissions	Number support sale	Number opposing sale	No opinion given
All four properties	13	7*	5	1
182-184 Cambridge Road, Kilsyth	3	1	2	
9A Wannan Crt, Kilsyth	10	0	10	
9A Tinarra Crt, Kilsyth	2	1	1	
16 Ellis Crt, Mooroolbark	10	1	9	

*Note: 3 submitters indicated their support in- principle to selling Council land, but on the condition that the funds realised from sale are required to support the purchase of 150 Cambridge Rd, and excess funds are not collected as a revenue raising opportunity.

In their submissions, eight (8) submitters indicated their intention to speak in support of their submission at a Submission Hearing meeting.

Context to the proposed land sales

Increasing population growth in the urban area of the municipality requires Council to strategically identify opportunities for increasing public open space in the area to meet social needs into the future.

Council's currently endorsed Recreation & Open Space Strategy 2013-2023 indicates adequate open space within precinct E (Kilsyth). However, analysis of open space provision for the Kilsyth precinct as part of updating the Recreation and Open Space Strategy identifies a significant shortfall of linear (15.4ha) and social recreation open space (6.1ha) in 2020. Based upon current trends, this shortfall will increase to 17.9ha and 9.6ha respectively by 2041. Furthermore, the provision of open space for structured sport in Kilsyth will be below the preferred provision by 2037.

Research generally shows that large parks over 1600m² have proven to encourage people to walk further distances and diversity of activity within parks attracts greater

numbers to use the space. Providing access to large parks can be used by Council as a mechanism to assist in reducing obesity and improving the overall health and wellbeing of the community.

The Recreation and Open Space Strategy contains an action to explore partnerships to jointly use school sports reserves and facilities in the Kilsyth area and establishes the structure for identifying the need for additional Public Open Space and use of contributions received in lieu of land through subdivisions for improving existing open space or acquiring new open space. The strategy also recognises the need to plan for open space needs in the urban area of the municipality.

Council's purchase of the 3.6 hectare former school land at 150 Cambridge Road represents a rare opportunity to acquire a large parcel of land that will contribute to addressing future open space needs, which would not be available should this land be sold and developed for residential purposes.

With consideration of financial challenges brought about by Council's Covid response and following the storm event of 9 June 2021, Council resolved that it would purchase the site at 150 Cambridge Road using the current balance of Public Open Space Funding available to Walling Ward of \$2.97 million. The remaining shortfall of \$3.47 million would be funded initially through the use of cash reserves, which Council would then seek to reimburse through:

- Investigating the sale of four parcels of surplus Council land in the local area that are considered to be of limited broad community benefit, and/or,
- Future Public Open Space contributions generated from the Walling Ward.

Council has resolved to seek reimbursement of the cash reserves within a maximum of four years.

The properties being considered for sale

A review of all open space land in Walling Ward has been undertaken by Council officers, identifying four parcels of land that have been recommended for further investigation for potential sale and were defined in Council's resolution of 3 March, 2022. Each of the four properties are within the Walling Ward and have been identified as providing limited broad community benefit against the principles of Council's Strategic Property Assessment Framework, and Public Open Space Strategy (ROSS).

A summary of those properties follows:

182-184 Cambridge Road, Kilsyth

Also known as: Morrison Crescent Reserve

Area: 2584m²

Lot description: Reserve 1 LP92377 Ca PTCA 12A4 Parish of Mooroolbark, and, Reserve 1 LP88656 Ca PTCA 12A1 Parish of Mooroolbark

Zone: Neighbourhood Residential Zone 1 (NRZ1)

Planning Overlays: Significant Landscape Overlay Schedule 23 (SLO23)

Additional Info: The land consists of two conjoined lots with frontages to both Cambridge Road and to Morrison Crescent and is located less than 200m from the 3.6 hectare former school site to be acquired by Council. The land currently serves as a walkthrough from Morrison Crescent to Cambridge Road which shortens the walking distance to the Cambridge Road pedestrian crossing point (to reach a public phone and mailbox) by a mere 50m.

The parcel of land is likely only servicing those residents living in Morrison Crescent. If the land is sold, all Morrison Crescent residents will still be within 450m of either Elizabeth Bridge Reserve, which has just benefited from a substantial upgrade, or to the proposed parkland at 150 Cambridge Road. This is within the recommended 5-10 minute walk to open space to encourage physical activity and have a positive impact on health and wellbeing.

The sale of this property may result in the loss of trees if the lot was to be developed however this would be offset by planting that could occur at 150 Cambridge Road. The land is isolated and therefore does not contain significant habitat value.

This area is well provided for with good access to open space in other areas.

The land has reserve status on title. If Council decides that it will sell the land, it would then undertake a separate process under s24A of Subdivision Act to remove the reserve status from both land parcels prior to it being sold. This would have its own public engagement process.

9A Wannan Court, Kilsyth

Also known as: Dorothy Olsen Reserve

Area: 1044m²

Lot description: Reserve 1 LP96923 Part Crown Allotment 40A Parish of Mooroolbark

Zone: General Residential Zone 1 (GRZ1)

Planning Overlays: Design & Development Overlay Schedule 8 (DDO8), Significant Landscape Overlay Schedule 23 (SLO23)

Additional Info: This parcel is zoned for residential purposes and located within Wannan Court. It is likely that only surrounding residences in Wannan Court or potentially those backing onto the reserve would enjoy access to this land. Submitters have indicated, however, that the land may be accessed on occasion by several residents of the Aged Care Home located on the western side of Liverpool Road, which would require the crossing of a busy road to access the land.

The property is a passive reserve, predominantly grassed and containing a number of established trees and shrubs, particularly at its frontage and along its Eastern boundary. It does not contain a pathway, playground or recreational infrastructure.

There is alternate public open space available at Palm Grove which is within 68m as the crow flies of the reserve, or about 365m along footpaths. Kilsyth Recreation Reserve (Pinks Reserve) is a large parcel of open space that is also within 750m of Wannan Court residences. No main road or other barrier is required to be crossed by residents of Wannan Court to get to either of the alternate parcels of open space.

The reserve has been mowed and broadly maintained for a number of years by residents of Wannan Court, which means it has been omitted from Council's routine mowing schedule. Officers cannot verify the exact duration of this arrangement.

The land has reserve status on title. If Council decides that it will sell the land, it would then undertake a separate process under s24A of Subdivision Act to remove the reserve status from both land parcels prior to it being sold. This would have its own public engagement process.

9A Tinarra Court, Kilsyth (2600m² of the reserve being considered for sale)

Also known as: Tinarra Reserve

Area: 2600m² of the reserve being considered for sale

Lot description: Reserve 1 LP91601 Part Crown Allotment 41B Parish of Mooroolbark

Zone: Neighbourhood Residential Zone 1 (NRZ1)

Planning
Overlays:

Significant Landscape Overlay Schedule 23 (SLO23)

Additional Info:

A 2600m² section of Tinarra Court side of the reserve is being considered for sale. The walkway through to Belinda Close is proposed to remain open and in Council ownership and would provide direct access to 1139m² of open space (directly adjacent on Belinda Close) which is not being proposed for sale as part of this process.

The land is predominantly an open grass area, with 2 to 3 mature trees and several smaller trees and shrubs located toward the northern end of the block. A gravel pathway connects the closed bowls of Tinarra Court and Belinda Close. There is no formal play space or recreational infrastructure on the land proposed for sale.

This area is in relatively close proximity (137 metres as the crow flies, or 725 metres by road), to Pinks reserve which is a large open space and recreational precinct, though separated by Liverpool Road which acts to form a barrier for people who may be unwilling to cross the road to access, which could particularly impact small children and older residents.

Aside from the 1139m² of the Tinarra Crt/Belinda Cl reserve proposed to remain as open space, there is also a small amount of open space located approximately 350m to the north of Tinarra Court, between Orchard Road and the northern end of Belinda Close. Residents to the south of Tinarra Court bordering Canterbury Road, however, are up to 750m by road from their nearest open space (currently 9A Tinarra Court), and equal distance to Pinks Reserve which is located on the opposite side of Liverpool Road.

The land has reserve status. If Council decides that it will sell the land, it would need to undertake a separate process under s24A of Subdivision Act to:

- Remove the reserve status from the land, and
- Realign the property boundary so that the walkway would remain Council owned

This would have its own public engagement process.

16 Ellis Court Mooroolbark

Also known as: Ellis Reserve

Area: 2343m²

Lot description: Reserve 1 LP96049 Part Crown Allotment 22C1&C2 Parish of Mooroolbark

Zone: Low Density Residential Zone (LDRZ)

Planning Overlays: Significant Landscape Overlay Schedule 22 (SLO22)

Additional Info: The location of the reserve at 16 Ellis Court at the end of the cul-de-sac is such that it is likely that only residents of Ellis Court would enjoy access to the land.

The area has a scattering of smaller open spaces, with Luke Polkinghorn Memorial Reserve (currently receiving a playspace upgrade) located 80 metres east of the entrance to Ellis Crt and Tiverton Reserve located 95 metres west of the entrance to Ellis Crt. The land is located within a Low Density Residential Zone (LDRZ), which it has in common to all other properties within the court. The purpose of the LDRZ is to ensure land within that zone remains committed to low density, single dwelling residential use as the primary function. This effect of the LDRZ zoning protects the larger backyards of established properties (roughly ½ acre in size) in this location, making access to direct open space less critical from a recreational perspective, and more difficult to justify its retention as an open space of significant community value. If sold, 16 Ellis Crt would be afforded similar protections under the zoning.

There are a number of well-established trees and shrubs on the land, some of which would likely be lost to development if the land were sold. The land is isolated and therefore is not considered to contain significant habitat value as an individual lot.

Council last undertook an engagement process in respect of this land in 2015, where it lodged an application under 24A of the Subdivision Act to remove the reserve status from the land. A separate statutory process would have then followed to investigate whether the land should or should not be sold. Unlike current proceedings however, the proceedings of 2015 were not tied to a broader recreation open space objective and so was not considered to hold a strong enough strategic basis to support the

potential sale at that time. The application to remove the reserve status was withdrawn accordingly.

The land has reserve status on title. If Council decides that it will sell the land, it would need to undertake a separate process under s24A of Subdivision Act to remove the reserve status from both land parcels prior to it being sold. This would have its own public engagement process.

Options considered

The purpose of the Submission Hearing meeting is to allow those submitters who have requested to speak to their submissions the opportunity to do so.

The undertaking of a community engagement process prior to selling land is a requirement under section 114 of the Local Government Act 2020. Council's undertaking to invite submitters to speak in support of their submissions aligns with Council's Community Engagement Policy and is similar in nature to past procedures under section 223 of the Local Government Act 1989.

No decision regarding the sale or otherwise of the four land parcels will be made at this meeting.

Recommended option and justification

It is recommended that the Delegated Committee receive and acknowledge all written submissions received in relation to Council's proposal to sell land and hear those submitters who have chosen to speak in support of their submission.

Having received and heard submissions, the Delegated Committee should then incorporate its recommendations into a report to a future Council meeting where a decision on whether each of the lots will be sold will be made.

The opportunity for submitters to speak to their submissions aligns with Council's Community Engagement Policy and principles of open and transparent Council decision making in relation to property sales.

FINANCIAL ANALYSIS

The Council resolution of 3 March 2022 approved the purchase 3.581ha of land at 150 Cambridge Road, Kilsyth at a cost of \$6.44 million (exclusive of GST). This is to be paid utilising the current balance of Public Open Space Funding available to Walling Ward of \$3.14 million (as of June 2022) in combination with funding from cash reserves of \$3.47 million.

As part of that resolution, Council committed to commencing statutory processes to explore the potential sale of the four parcels of land as a means of replacing cash reserves, which if all four were sold would be expected to realise around \$4.5 million.

Following purchase of the 150 Cambridge Road site, minor landscaping works will initially be carried out to allow the area to be generally maintained as open parkland,

at a cost estimated at around \$200,000, which would need to be referred to Council's Capital Expenditure Program for consideration of its allocation. Any funds realised from land sales over and above the amount required to purchase the site would be directed to the Walling Ward Public Open Space Fund balance or for master planning and/or further improvements to the site purchased at 150 Cambridge Road.

Any proceeds of sale of public open spaces (including the four lots subject of this proposal) must be used by Council either to buy land for use for public recreation or public resort, as parklands or for similar purposes, or to improve land already set aside for the same purposes. It cannot be used for other Council purposes.

In addition to funding raised through land sales, should any further funding be required to replace the amount utilised from cash reserves for the purchase, Council has resolved that it be achieved through future Public Open Space contributions generated from developments within the Walling Ward, which at the current rate of development is around \$1 million per annum.

Funding pressures

As a result of the 9 June 2021 storm event, Councillors have identified the need to review Council's budget to respond to funding challenges. It has been necessary for Council to consider deferring works within the Capital Expenditure Program and reducing operational costs. The long-term benefits of purchasing the land at 150 Cambridge Road are considered significant and of merit, however, to achieve this purchase required Council to assess options to fund the purchase other than through borrowings or rate revenue.

The purpose of Public Open Space Funding is to buy available land for use for public recreation or to improve land already set aside for use for public recreation, as parklands or for similar purposes and is therefore well suited for the proposed land purchase. There is however insufficient funding available to fully fund the purchase and therefore it was necessary for Council to consider other options for meeting this shortfall. Due to the competing organisational needs resulting from Covid and the June 2021 storm event, Council is not able to utilise borrowings or rate revenue, and therefore it has been necessary to seek other options.

APPLICABLE PLANS AND POLICIES

Council's guiding documents relating to the sale of land are:

- Local Government Act 2020, provides the legislative framework for Council's consideration of the sale of land, and applicable consultative procedures to be undertaken.
- Subdivision Act 1988, provides the legislative framework for the removal of reserve designation from land, and the way in which Councils must use of proceeds realised from the sale of public open spaces.

- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land, provides the guidelines to principles by which Council should consider when selling land
- Council's Strategic Property Assessment Framework, provides a framework by which Council identifies properties which it may consider to be potentially surplus and candidates for disposal.

The Recreation and Open Space Strategy contains an action to explore partnerships to jointly use school sports reserves and facilities in the Kilsyth area and establishes the structure for identifying the need for additional Public Open Space and use of contributions received in lieu of land through subdivisions for improving existing open space or acquiring new open space. The strategy also recognises the need to plan for open space needs in the urban area of the municipality.

The proposal to support the purchase of 150 Cambridge Road supports the implementation of the strategic objectives 'Connected and Healthy Communities' and 'Quality Infrastructure and Liveable Places' in the Council Plan 2021-25, and Health and Wellbeing Plan 2021 – 2025, including "Increase active living - People in Yarra Ranges have capacity to walk and be physically active through accessible footpaths, trails, parks, play spaces and an inclusive culture that supports participation in all forms of physical activity".

RELEVANT LAW

The sale of Council land must be undertaken in accordance with section 114 of the *Local Government Act 2022*.

As all four lots have Reserved designation, additional processes under section 24A of the *Subdivision Act 1988* would need to be undertaken to have the reserve designations removed, which would involve its own consultative processes.

Council's obligations regarding the use of proceeds from the sale of public open spaces are defined under section 20 of the *Subdivision Act 1988*.

SUSTAINABILITY IMPLICATIONS

Environmental Impacts

All four lots contain several large, mature native trees and bushes, some of which are likely to be lost if the land is sold and developed for housing.

Vegetation losses caused by the development of the lots would be offset by plantings at the 150 Cambridge Road site (3.6 hectares) being purchased by Council. Smaller isolated green spaces provide only limited habitat value on their own. Large green spaces can assist with storm water management and can act as heat sinks thereby reducing heat in surrounding environments. Large tracts of forested land, which could be achieved through plantings at the Cambridge Rd site, can increase urban biodiversity and planting trees in non-forested areas of open space can assist Council in achieving its targets of 30% canopy cover within the Tree Policy.

Social Impacts

Open space provided a much-needed place for people to exercise and escape from their homes supporting both physical and mental health. It also offers opportunities for social connection. As restrictions eased, parks allowed for small groups to socially distance outdoors and further supported reconnection and the increased physical and mental health of people.

Parks are often used as gathering places for people of all ages, further demonstrating their value in social connection. Large parks over 1600sq.m. have proven to encourage people to walk further distances and diversity of activity within parks attracts greater numbers to use the space. Providing access to large parks should be used by Council as a mechanism to assist in reducing obesity and improving the overall health and wellbeing of the community.

Research indicates that only approximately 44% of our community are currently meeting physical activity guidelines.

Economic Impacts

There are no economic impacts linked directly to the sale of the four parcels of land which are the subject of this proposal.

By expanding Elizabeth Bridge Reserve to include the subject site, there is expected to be an increase in use of the overall reserve. Future master planning of the site will assess its ability to support the local businesses of the area by drawing increased visitation to the site/region. Any improvement of the site will likely be undertaken by local contractors, also supporting the local economy.

COMMUNITY ENGAGEMENT

Section 114 of the Local Government Act requires that before selling or exchanging land, Council must at least 4 weeks prior to selling or exchanging land publish notice of intention to do so on the Council's Internet site and undertake a community engagement process in accordance with its Community Engagement Policy.

Council's Community Engagement Policy recognises that community engagement plays a critical role in ensuring Council decisions reflect the needs and expectations of the community and other stakeholders. The policy is guided by the International Association of Public Participation (IAP2) Spectrum. This identifies five levels of engagement and details Council's commitment to the community for each level of engagement ensuring that both the community and Council have shared expectations.

Council published notice of its intention to sell the four land parcels in six local newspapers circulating in the municipality and on Council's website via a 'Shaping Yarra Ranges' page which ran from 5 April 2022 to 9 May 2022. On that page, interested parties were invited to make submissions on the matter, either via the web-form provided on the web-page, or by direct mail/email to Council.

A mail-box drop for residents nearby to the four properties was undertaken ahead of the commencement of the engagement period which invited submissions from

community members considered to be most affected by the proposal. Signage was also installed at each of the four sites to alerting site users and those passing by to Council's proposal and the engagement opportunity.

General Facebook posts from Council's main account as well as paid localised advertising also drove engagement with the Shaping page. Two posts highlighting the matter reached 30,563 users, generating 34,348 views, and 450 clicks on the link leading users to the Shaping Yarra Ranges page.

As a result of Council's reach out to the community, the Shaping Yarra Ranges page received a total of 1952 views, with 931 visits (end user sessions from a single user), and 858 unique users.

Summary information from the Shaping Yarra Ranges Page

Top Visited Pages Summary information for the top five most visited Pages.			
Page Name	Visitation %	Visits	Visitors
Notice of intention to sell Council land	94.94%	881	782
182-184 Cambridge Road, Kilsyth	24.14%	224	200
16 Ellis Court, Mooroolbark	20.26%	188	173
9A Wannan Court, Kilsyth	18.1%	168	154
9A Tinarra Court, Kilsyth	16.81%	156	137

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought in relation to Council's proposal to sell land.

The report does not raise any issues of innovation.

RISK ASSESSMENT

If Council resolves to sell any/all of the land proposed for sale, it would be required to undertake a separate process under provisions of the Subdivision Act to have the reserve status removed from title, which would require a separate community consultative process. If Council is unable to justify the removal of reserve status from each of the parcels of land during those processes, the parcels of land would not be able to be sold for residential purposes.

The current valuation provided for 150 Cambridge Road was initially determined as of 26 May 2021. The government has held the valuation at \$6.44million since this time, however had advised that if a decision from Council on the purchase could not be provided by 31 March 2022 then it would be necessary for the land to be revalued.

Formal advice was provided to the Department of Treasury and Finance within the required timeframe of Council's decision to agree to purchase the land. Contract of sale documents are currently being finalised by the Department for Council's agreement and payment of an initial 10 percent deposit.

It is considered that if the land had to be revalued, there is a risk that the cost to Council to purchase the land will increase.

Increasing land values in the area could preclude the acquisition of such land in the future. The offsetting of cash reserves recommended to be used for the purchase is reliant on the continued generation of Public Open Space contributions through development in the Walling Ward. Current trends indicate that approximately \$1 million per annum is generated through Public Open Space contributions however if there was a downturn in the property market this could reduce.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Community Submissions - Redacted
2. Images of Prosperities
3. Community Submissions - Confidential