

1.7 SALE OF 14-16 ATKINSON STREET, CHADSTONE

Responsible Committee: Section 223 Committee of Council

RECOMMENDATION:*That Council:*

1. *Receives this report from the Committee established by Council pursuant to Section 223 of the Local Government Act 1989 (S.223 Committee) to hear and consider any submissions received to Council's public notice in respect of the proposal to sell 14-16 Atkinson Street, Chadstone, Victoria, 3148 being lots 124-127 (inclusive) on Plan of Subdivision PS8883 and comprised in certificates of titles volume 5465 folio 880, volume 4995 folio 905, volume 6331 folio 163 and volume 7508 folio 033 (the Land) by public auction or private treaty.*

(the Proposal).

2. *Notes the S.223 Committee met on Tuesday 11 May 2021 to hear and consider submissions received in respect of the Proposal and notes that there was one submission received.*

3. *Accepts the Committee's recommendation to:*

- (1) *Agree to proceed with the sale of 14-16 Atkinson Street, Chadstone being the land described in the Table below by public auction or private treaty:*

Lot on PS8883	Certificate of Title	
124	Volume 5465	Folio 880
125	Volume 4995	Folio 905
126	Volume 6331	Folio 163
127	Volume 7508	Folio 033

- (2) *Direct officers to investigate the area for a suitable location to install a playground of similar size for the Chadstone community.*

4. *Having complied with its obligations under S.223 of the Local Government Act 1989, authorises the Chief Executive Officer or her delegate to sign all documentation required to effect the sale of the Land.*

INTRODUCTION

This report considers the outcome of the public notification process pursuant to S.223 of the Local Government Act 1989 (Act) for the sale of 14-16 Atkinson Street, Chadstone, Victoria, 3148 being lots 124-127 (inclusive) on Plan of Subdivision PS8883 and comprised in certificates of titles volume 5465 folio 880, volume 4995 folio 905, volume 6331 folio 163 and volume 7508 folio 033 (the Land) by public auction or private treaty.

BACKGROUND

On 23 February 2021, Council considered a report on the proposal to re-commence the statutory procedures for the sale of the Land by public auction or private treaty and resolved as follows:

“That Council:

1. *Notes the history of the previous reports to Council and that Council completed the statutory procedures for community consultation on the proposal to sell 14-16 Atkinson Street, Chadstone, Victoria, 3148 (the Site) in March 2018 and that the auction of the Site proposed for March 2020 was postponed due to the restrictions imposed by the Victoria State Government in managing the COVID-19 pandemic.*
2. *Notes that it is approaching 3 years since Council originally completed the statutory procedures for community consultation on the proposal for the sale of the Site in March 2018.*
3. *Given item 2 above, agrees to re-commence the statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 (the Act) regarding Council’s proposal to sell the Site being the land described in the table below:*

Lot on PS8883	Certificate of Title	
124	Volume 5465	Folio 880
125	Volume 4995	Folio 905
126	Volume 6331	Folio 163
127	Volume 7508	Folio 033

(“the Proposal”)

4. *Agrees to give public notice of the Proposal in accordance with Sections 189 and 223 of the Act in a newspaper and on Council’s website from 27 February 2021 and invite submissions on the Proposal by no later than 26 March 2021.*
5. *Authorises Council’s Chief Executive Officer or her delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 233 of the Act in respect of the Proposal.*
6. *Appoint a Committee of Council comprising the Mayor and the Mount Waverley Ward Councillors to hear any submitters requesting to be heard and consider any submissions*

received under Section 223 of the Act at a special meeting of the Committee of Council at a date, time and place to be fixed.

7. *Directs that following the hearing and consideration of submissions by the Committee of Council, or if no submissions are received, the Committee of Council prepare a report to Council on the outcome of its proceedings and seek a decision of Council on whether or not to proceed with the Proposal."*

Public Notification

In accordance with items 3 and 4 of the 23 February 2021 Council report, a public notice advising of Council's intention to sell the Land was published in The Age newspaper and on Council's website on 27 February 2021 calling for submissions on the proposal to be received by 5:00pm on 26 March 2021.

Public Response

There were no telephone enquiries during the submission period.

One written submission was received by email to mail.Monash@monash.vic.gov.au at 5:00pm on 26 March 2021. The submitter did not request to be heard.

THE SUBMISSION

Summary of Submission

Does not support the sale of the land including the playground area and proposed an alternative sale option to retain the playground, upgrade it and sell the tennis court block only.

Basis of wanting to retain the playground include:

1. The playground on part of the land is used by her family and other neighbours extensively.
2. Concerned about the significant increase in multiple dwellings on previous single house dwellings. This increase has brought new young working professionals and families to the area.
3. Noted 17 single house blocks redeveloped into 46 townhouses being a net increase of 29 residential properties within walking distance to the playground on the land.
4. COVID has seen an increase in the use of all local parks.
5. Council's Playground and Playspace Strategy 2020 states a service level provision for all residents to have a playspace within 400m of their property.
6. If sale proceeds with the playground included, nearest playground would be 1.2km away.

S.223 Committee Meeting

The S.223 Committee met on 11 May at 7:00pm in the Council Chambers to consider the outcome of the above public notification process.

Mayor Brian Little and Councillors Anjalee de Silva and Rebecca Paterson made up the Committee.

The Agenda of the S.223 Committee was to consider the submission received and make a recommendation to Council.

After considering the submission and information regarding the Land, the outcome of the S.223 Committee was as follows:

“The S.223 Committee resolved having considered the submission received, to proceed with Option 1 – Disposal of the Land and to direct officers to investigate the area for a suitable location to install a playground of similar size for the Chadstone community.

The S.223 Committee noted the comments from the one submitter regarding retaining that part of the Land that comprises the play equipment.

The following information was provided to the S223 Committee:

- The Monash Open Space Strategy 2018 identifies the following with regards to the Land:
 - It is identified as a “District Catchment” site;
 - It is not within a gap area;
 - It is within close proximity to local catchment open space; and
 - It is within close proximity to private access open space.
- The Playground and Place spaces Strategy 2020 (PPS) does not identify the playground in its Playground Redevelopment Program 2020-2025. The closest playground listed on Council’s Playground Redevelopment Program 2020-2025 is Bayview Reserve, Mount Waverley and is approximately 1.5kms north-east of the Land.
- Although the Land is not identified as being within a gap area of Chadstone, it is in an area where residents have to travel more than 400m to access a Council playground. This being the case, Council’s aspiration cannot be met for this location and it would therefore be outside of the 95% target set by the PPS.
- Previous reports to Council have discussed allocating the proceeds from the sale of the Land to the cost of relocating the North Oakleigh Tennis Club and development of Caloola Reserve.
- The Land has already been rezoned from a Public Park and Recreation Zone to a General Residential Zone and retaining the Land that comprises the play equipment would require:

- o a plan of subdivision of the Land to excise the area that comprises the play equipment;
- o a rezoning of the land from General Residential back to Public Park and Recreation;
- o reduced valuation of the Land for sale and incur costs to Council with renewal of the play equipment and ongoing maintenance,

resulting in financial implications to Council.

The Land

- The Land consists of 4 lots on PS8883 (see Image 1 below).
- The areas of each lot and total area are listed in the table below:

Lot no.	Area
Lot 124	810m2
Lot 125	810m2
Lot 126	977m2
Lot 127	945m2
<u>Total</u>	<u>3,542m2</u>

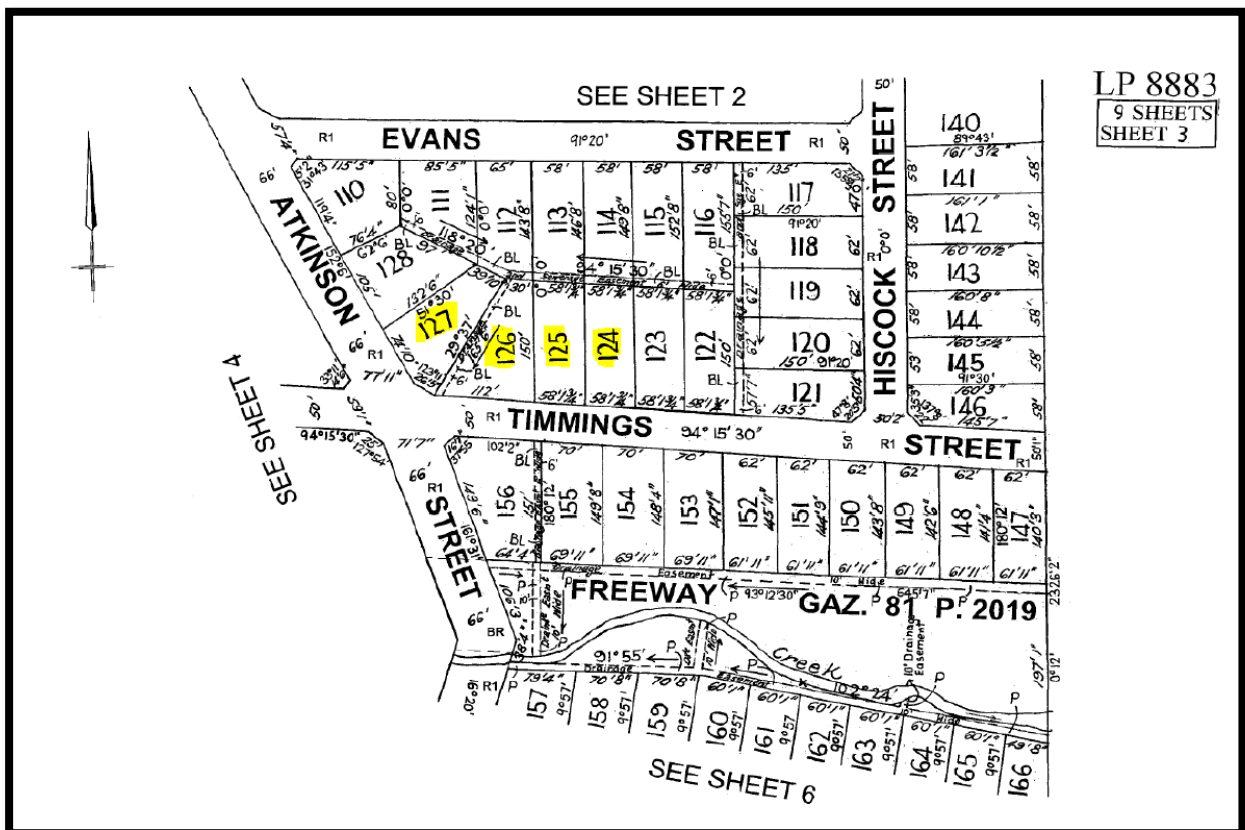


Image 1

The Playground

- The playground equipment was installed by council in 2001 and was maintained by Council until recently.
- The playground is situated on part lot 126 & lot 127 (majority lot 127) (see Image 2 below).
- The playground consists of a swing and a slide.



Image 2

Council Strategies

Significant strategic work in the form of the Monash Open Space Strategy (2018) and Playground & Playspaces Strategy (2020) has been undertaken since Council's decision to sell and rezone the Land that comprises the Playground.

Surrounding Playgrounds

- The location of the playground is identified on Image 3 below. Surrounding playgrounds are numbered with the closest playgrounds being numbers 34 and 35.

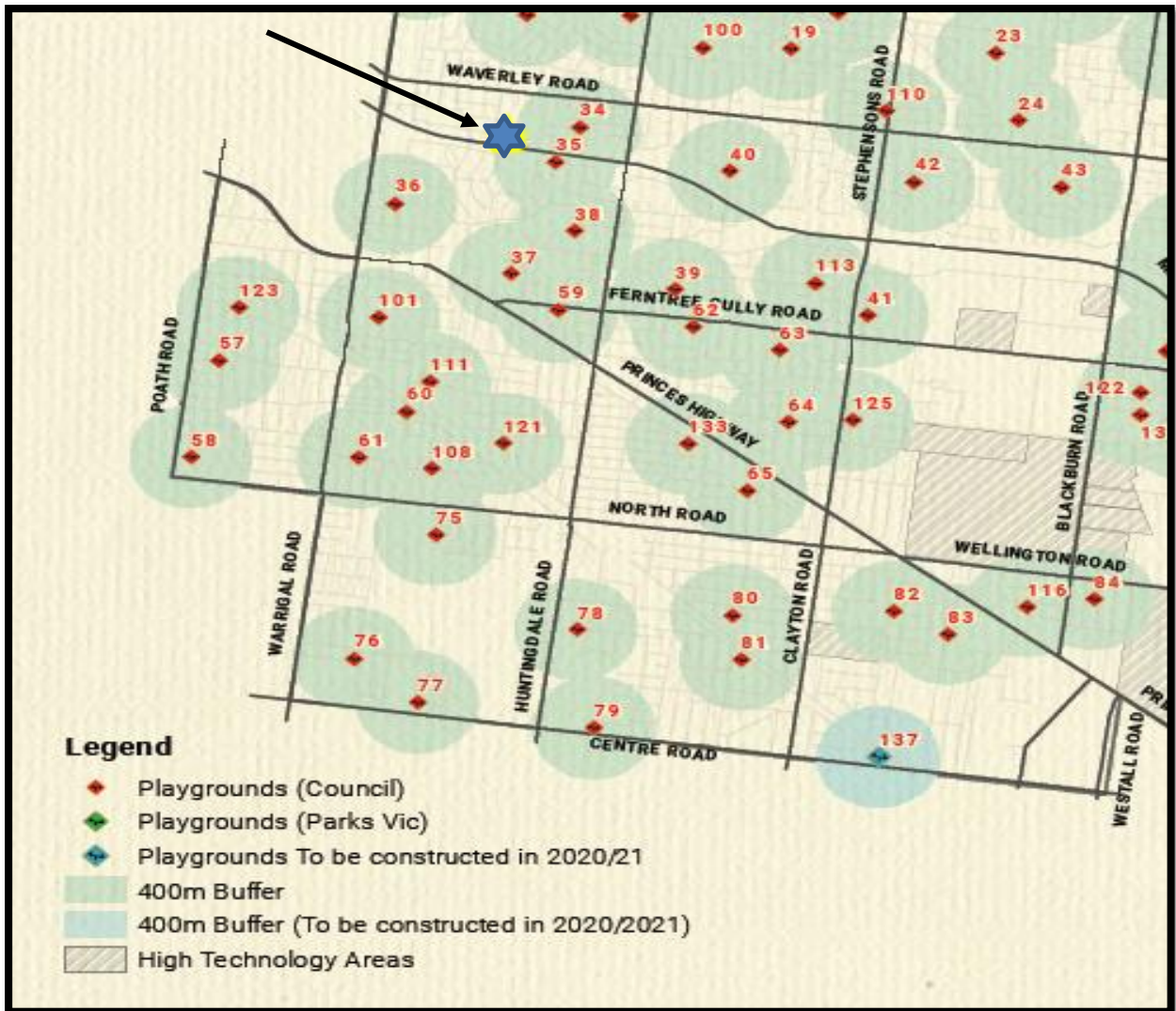


Image 3

- The two closest surrounding playgrounds are listed below:

34	Rosemary Street Reserve	Rosemary Street	Chadstone	Pocket (645m2)
35	Adrian Street Reserve	Adrian Street	Chadstone	Neighbourhood (590m2)

OPTIONS

After noting the submission and information regarding the Land, the S.223 Committee were provided with the following options for consideration:

Option 1 - Disposal of the Land

Agree to proceed with the sale of 14-16 Atkinson Street, Chadstone being the land described in the Table below by public auction or private treaty

Lot on PS8883	Certificate of Title	
124	Volume 5465	Folio 880
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Option 2 – Retain the whole of the Land

Council could agree to retain the whole of the Land for public open space. The impacts on retaining part of the Land.

SECTION 223 COMMITTEE RECOMMENDATION

Having considered the submission, information and options, the S223 Committee of Council's recommends to Council that it proceed with Option 1– Disposal of the Land and to direct officers to investigate the area for a suitable location to install a playground of similar size for the Chadstone community.

ATTACHMENT 1 -SUBMISSION

Dear City of Monash,

I am writing regarding the decision to progress the sale of site 14 – 16 Atkinson Street, Chadstone by City of Monash. This block of land was formally home to the North Oakleigh Tennis Club and has basic playground that my family and other neighbours extensively use. Please refer to map on the land I am referring to;



As a resident of Chadstone for more than 10 years, I have witnessed firsthand the significant increase in development where old single house dwellings have been demolished and converted into multiple dwellings on subdivided properties. This change has brought new life to Chadstone with our neighbourhood moving from a senior demographic to an increase in new young working professionals and families. Since 2018, there has been 17 single house blocks redeveloped into 46 townhouses. This is a net increase of 29 residential properties all within walking distance to this playground.

With the recent COVID outbreak there has been a dramatic increase in the use of all my local parks due to the enforced lockdown restrictions and the need to stay within a 5km radius. This for me was an eye opener as to how many new families are now living in my local area and the need for more open play space.

After reading your Playground and Playspace Strategy 2020 on your website it states that Monash Council's own playspace service level provision is for all residents to have a playspace within 400m on their property. If Monash City Council were to proceed with the sale of this land my next nearest playground would be Mark Court, which is 1.2km away from my property which contradicts your playground and openspace strategy.

It is evident there is an under supply of public open space in our local area as documented in your openspace strategy (Precinct 2: Chadstone).

I propose an alternative sale option to partially retain and upgrade the playground portion of this site and sell off the three tennis court blocks.

Refer to image below:



I believe there is a need to retain this playground to support the growing young family community and this supports your Playground and Openspace Strategy.