

14.1 INTENTION TO SELL 174 NOTT STREET, PORT MELBOURNE - REPORTING OF SUBMISSIONS IN RESPONSE TO PUBLIC NOTICE

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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 174 Nott Street, Port Melbourne.





Image above: the location of the subject site, outlined in red.

2. EXECUTIVE SUMMARY

- 2.1 City of Port Phillip has formally notified the public of its proposal to sell 174 Nott Street, Port Melbourne, (“Notice”).
- 2.2 This is a process required by legislation. It is separate from a potential 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 two submissions (**Attachments 2 & 3**) have been received. In their submissions neither of the submitters requested to be heard in support of their submission.
- 2.5 The submissions express a desire for the property to remain held by Council. Both note that it is an ongoing revenue source. One of the submissions proposes that the property be developed as social housing. The other notes their concern that the property could be purchased by a developer.
- 2.6 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 notice has been given under section 189 of the *Local Government Act 1989* of Council’s proposal to sell 174 Nott Street, Port Melbourne, to the open market, inviting submissions from interested parties.



- 3.2 Notes the written submissions of response received by the end of the notice period (of 5pm on 24 May 2021).
- 3.3 Thanks the submitters for their submissions.
- 3.4 Formally considers the submissions received 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 21 April 2021 Council resolved to commence that process, to consider selling 174 Nott Street, Port Melbourne.
- 4.4 Consequently, a notice (**Attachment 1**) was published in *The Age* newspaper on 24 April 2021 – 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 the tenant, and neighbouring traders and residents, attaching the notice.
- 4.7 Two submissions were received in response to the notice – from Mr Glen Cosham and from Ann-Maree Richardson, being **Attachments 2** and **3** respectively (redacted to exclude personal information and potentially defamatory content).
- 4.8 Both submissions oppose the sale, as proposed by the Notice.
- 4.9 Mr Cosham’s submission notes that the property is a source of ongoing revenue and suggests that it could be developed for social housing.
- 4.10 Ms Richardson’s submission also notes that the property is a source of ongoing revenue, is a surety for a future generation of ratepayers, and expresses a concern that it could be purchased by a property developer.
- 4.11 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 approximately 140 owners, residents and traders of neighbouring properties was undertaken on 27 April 2021.
- 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 1989* 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.

8. ENVIRONMENTAL IMPACT

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

9. COMMUNITY IMPACT

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

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 This report aligns directly with Council Plan direction 6: "Our commitment to you".

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: 20/17/06

ATTACHMENTS

1. Notice of Intention to Sell
2. Submission in response to Notice (by Glen Cosham)
3. Submission in response to Notice (by Ann-Maree Richardson)