



## **GLEN EIRA CITY COUNCIL**

### **SPECIAL COUNCIL MEETING**

under s84(3) of the Act

**TUESDAY 12 MARCH 2019**

### **AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
at 7pm**

*“The primary object of a Council  
is to endeavour to achieve  
the best outcomes for the local community  
having regard to the  
long term and cumulative effects of decisions.”*

- s3c(1) Local Government Act

**Councillors:**

The Mayor, Councillor Jamie Hyams  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Margaret Esakoff  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt

**Chief Executive Officer:** Rebecca McKenzie



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**1. ACKNOWLEDGEMENT**

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

**2. APOLOGIES**

**3. OATH OF OFFICE AND DISCLOSURE OF INTERESTS**

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

#### 4. PRESENTATION OF OFFICER REPORTS

##### 4.1 HEARING OF SUBMISSIONS RECEIVED IN RELATION TO NOTICE OF INTENTION TO SELL LAND

- (A) 6-8 AMES AVENUE, CARNEGIE
- (B) 89-93 MURRUMBEENA ROAD, MURRUMBEENA
- (C) 854A CENTRE ROAD, BENTLEIGH EAST

**Author:** Peter Jones, Director Community Wellbeing

**Trim No:** 19/157674

**Attachments:** 1. Public Notice [↓](#)

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#### PURPOSE AND SUMMARY

To receive and hear submissions regarding the proposed sale of the Council-owned land at 6-8 Ames Avenue, Carnegie, 89-93 Murrumbeena Road, Murrumbeena and 854A Centre Road, Bentleigh East, together **the Land**.

This report presents to Council the outcome of the Statutory Procedures in accordance with sections 189 and 223 of the Local Government Act 1989 applicable to any proposed sale, exchange or transfer of land.

No decisions are required at this meeting.

#### RECOMMENDATION

That Council notes submissions received in response to the Public Notice process for the intention to sell Council-owned land at 6-8 Ames Avenue, Carnegie, 89-93 Murrumbeena Road, Murrumbeena and 854A Centre Road, Bentleigh East. .

#### BACKGROUND

At its Ordinary Council Meeting on 5 February 2019 Council resolved:

1. *That Council sell the three residential aged care facilities owned and operated by Council, namely "Rosstown Community", "Spurway Community" and "Warrawee Nursing Home", and its residential aged care business conducted at these facilities, subject to Council undertaking a market process which identifies an appropriate purchaser and gives rise to a commercial agreement which is satisfactory to Council.*
2. *A sale of the nature described in Resolution 1 above will result in the following properties being surplus to Council's requirements:*
  - a) *Lot 2 of Plan of Subdivision PS114117 (being the whole of the land contained in Certificate of Title Volume 9095 Folio 668) and Lot 1 on Title Plan TP173896S (being the whole of the land contained in Certificate of Title Volume 6723 Folio 580) and known as 6-8 Ames Avenue, Carnegie, Victoria 3163;*
  - b) *all of the land in Plan of Consolidation CP167755N (as shown on Title Plan TP458143J and being the whole of the land contained in Certificate of Title*

*Volume 9954 Folio 233) and known as 89-93 Murrumbeena Road, Murrumbeena, Victoria 3163; and*

- c) Lot 1 on Plan of Subdivision PS438537M (being the whole of the land contained in Certificate of Title Volume 10638 Folio 633) and known as 854A Centre Road, Bentleigh East, Victoria 3165; and*

3. *As a result of the above, in the first instance Council:*

- a) will commence the statutory procedures in accordance with sections 189 and 223 of the Local Government Act 1989 for the sale of some or all of the properties by public tender;*
- b) will give public notice in The Age newspaper on 7 February 2019 of the proposed sale of some or all of the properties by public tender in accordance with section 223 of the Local Government Act 1989;*
- c) pursuant to section 223(1) of the Local Government Act 1989, will consider and if required, hear any submissions received in relation to the sale of some or all of the properties by public tender; and*
- d) authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its administrative functions under section 223 of the Local Government Act 1989 in respect of the sale of some or all of the properties by public tender.*

4. *Following the conclusion of the statutory process outlined in Resolution 3 above, the Chief Executive Officer will report to Council on the 2 April 2019 at a Special Council Meeting as to the outcome of the process, at which point Council will confirm whether the proposed transaction will proceed to an expression of interest process for the purpose of identifying potentially suitable purchasers who appear willing to accept the key commercial terms required by Council for any transaction to proceed.*

## ISSUES AND DISCUSSION

Consistent with the Statutory Procedures outlined in Resolution 3, Council advertised its intention to sell the Land and the right to make submissions to Council, in accordance with sections 189 and 223 of the Local Government Act. The Public Notice (Attachment 1) was advertised as follows:

1. The Age newspaper on 7 February 2019
2. Council's website from 7 February 2019; and
3. Caulfield Glen Eira Leader and Glen Eira Moorabbin Leader newspapers in the week commencing 11 February 2019

The Public Notice advised that all submissions must be received by Friday 8 March 2019 and should be addressed to the Director Community Wellbeing at Council's PO Box address or sent by email to [submissions@gleneira.vic.gov.au](mailto:submissions@gleneira.vic.gov.au).

### Submissions:

All submissions received by 5 pm on Friday 8 March 2019 will be provided to Councillors not less than 48 hours before the Special Council Meeting. All submissions will be included in the agenda for the 2 April 2019 Special Council Meeting.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

Not applicable to this report.

**POLICY AND LEGISLATIVE IMPLICATIONS**

By publishing a Public Notice of its intention to sell the Land and giving at least four weeks public notice of an intention to sell the Land, together with the receiving and hearing of submissions, Council is complying with its legislative requirements under sections 189 and 223 Local Government Act 1989.

Council will now consider all submissions.

**COMMUNICATION AND ENGAGEMENT**

A Public Notice was published in The Age newspaper and on Council's website on Thursday 7 February 2019. A Public Notice was also printed in the local Leader newspapers in the week commencing 11 February 2019.

The closing date for submissions is 5pm Friday 8 March 2019.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

**CONCLUSION**

By publishing a Public Notice of its intention to sell the Land, and by receiving submissions and hearing those submitters who wish to be heard in support of their submission, Council has complied with its legislative requirements under sections 189 and 223 Local Government Act 1989.

Council is not required to make any decisions at this meeting.

The Chief Executive Officer will report to Council on 2 April 2019 at a Special Council Meeting as to the outcome of the process. At this time, following consideration of submissions, Council will confirm whether the proposed sale will proceed to an expression of interest process.





GLEN EIRA  
CITY COUNCIL

**PUBLIC NOTICE  
LOCAL GOVERNMENT  
ACT 1989 (VIC)  
PUBLIC NOTICE OF  
INTENTION TO SELL  
LAND AND PUBLIC  
NOTICE OF RIGHT TO  
MAKE SUBMISSIONS TO  
COUNCIL**

Glen Eira City Council (**Council**) gives notice under section 189 of the Local Government Act 1989 (Vic) of its intention to sell:

(a) 6-8 Ames Avenue, Carnegie, Victoria 3163, being Lot 2 of Plan of Subdivision PS114117 (being the whole of the land contained in Certificate of Title Volume 9095 Folio 668) and Lot 1 on Title Plan TP173896S (being the whole of the land contained in Certificate of Title Volume 6723 Folio 580) and known as "Rosstown Community";  
(b) 89-93 Murrumbeena Road, Murrumbeena, Victoria 3163, being all of the land in Plan of Consolidation CP167755N (as shown on Title Plan TP458143) and being the whole of the land contained in Certificate of Title Volume 9954 Folio 233) and known as "Spurway Community"; and

(c) 854A Centre Road, Bentleigh East, Victoria 3165, being Lot 1 on Plan of Subdivision PS438537M (being the whole of the land contained in Certificate of Title Volume 10638 Folio 633) and known as "Warrawee Nursing Home" (the **Property**).

The proposal is that the Property will be sold by a public tender process with defined criteria on the following principal terms and conditions:

**Deposit:** 10% of the price on exchange of contracts.

**Settlement period:** 90 days after the day of sale under the contract for the Property.

**Included Chattels/Fixtures:** All chattels, fixtures, fittings, plant and equipment on the Property (excluding any item of property which does not belong to Council).

Written submissions in respect of the sale of the Property will be considered by Council in accordance with section 223 of the Local Government Act 1989 (Vic). Submissions should be addressed to the Director Community Wellbeing, PO Box 42, Caulfield, Vic 3162 or by email to [submissions@gleneira.vic.gov.au](mailto:submissions@gleneira.vic.gov.au) and should be received no later than 5pm on Friday 8 March 2019.

Any person making a written submission under section 223 of the Act is advised that all submissions and personal information will be managed by Council in accordance with the Privacy and Data Protection Act 2014.

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council or be represented by a person acting on his or her behalf, on Tuesday 12 March 2019 at a hearing commencing at 7pm in the Council Chambers at Glen Eira Town Hall.

Following the consideration of any submissions, Council may decide to sell the Property, part of the Property or not to sell the Property.

Enquires should be directed to the Co-ordinator Property Services by telephone on (03) 9524 3733 or by email to [propertysvs@gleneira.vic.gov.au](mailto:propertysvs@gleneira.vic.gov.au)

**Rebecca McKenzie**  
Chief Executive Officer  
Glen Eira City Council

**5. CLOSURE OF MEETING**