

5 SALE OF LAND ABUTTING 425 PRINCES HIGHWAY, OFFICER

FILE REFERENCE INT1752414

RESPONSIBLE GENERAL MANAGER Derek Madden

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RECOMMENDATION

That:

1. Council commence the statutory procedures in accordance with section 189 of the Local Government Act, 1989, (the Act) to sell a portion of land abutting 432 Princes Hwy Officer as shown on the attached locality plan.
2. Council publish a notice in the local paper for Officer under section 189 of the Act advising of the proposal to sell the land to the abutting owner.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to affect the proposed subdivision of the land and sign and seal all documentation associated with the sale of land.
4. In the event of submissions being received, a committee comprising of the ward Councillor and one other councillor be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions

Attachments

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EXECUTIVE SUMMARY

This report recommends that Council, acting under section 189 of the Local Government Act 1989 (the Act) and also in accordance with sections 223 of the Act, commence the statutory procedures to sell a portion of the land abutting 432 Princes Hwy Officer, shown on the attached plan (Land).

BACKGROUND

Council has been approached by the owner of 432 Princes Hwy Officer in relation a proposal to sell part of Lot 1 on PS512528, abutting their property at 432 Princes Hwy, (see attached plan). This enquiry has been generated by a planning permit application for the development of their site and it was considered this Land could be used for car parking.

The Council land is currently used as a carpark and part of the Land is required for an intersection upgrade at the corner of Station Street and Princes Hwy. It is proposed that approximately 200 square metres are excess to Councils requirements and could be considered for sale. If a decision is made to sell the Land a subdivision of the Land will be carried out, taking account of the construction requirements for the intersection upgrade.

POLICY IMPLICATIONS

The sale of the Land to the owners of the 432 Princes Hwy Officer is not considered to raise any significant policy implications, as the Land is not required for open space, drainage or other public purposes (walkway).

The State Government has developed guidelines for the sale of Council land, known as "Local Government Best Practice Guidelines for the Sale and Exchange of Land" (the Guidelines). This

document provides guidance for the sale of Council land but Council is not bound by the Guidelines. The Guidelines provide that all sales or transfers should be in the best interest of the community. Generally it is expected that land will be offered to the market by a public marketing campaign, however where the purchasers are limited, as is the case in this situation it is considered reasonable to negotiate directly with an abutting owner and sell the Land based upon a market valuation

RELEVANCE TO COUNCIL PLAN

The relevant Council Plan objective is that ‘We continue to plan and manage the natural and built environment for future generations’. The objective is to be achieved through balancing the needs of development, the community and the environment

CONSULTATION/COMMUNICATION

An internal referral has been carried out and there are no concerns raised except that part of the Land will be retained for an intersection upgrade.

Officers have consulted with the Officer Community Association in relation to the proposal and they have advised they are supportive of the proposal.

Council are required to carry out the statutory procedures in relation to the proposal to sell the Land under the Act, including giving public notice of the intention to sell the Land, and hear any submissions received in this regard.

FINANCIAL AND RESOURCE IMPLICATIONS

If a decision is made to sell the Land it will be sold at the market value of the Land and the abutting owner has also agreed to pay all costs associated with the proposal.

CONCLUSION

As the proposal to sell the Land has no apparent detrimental effect the subject portion of Land is considered to be suitable for sale.

