

STRATEGY AND POLICY REVIEW COMMITTEE
4 FEBRUARY 2008 **GOVERNANCE AND COMPLIANCE**

A4	PROPOSED DISCONTINUANCE AND SALE OF SECTIONS OF THE RIGHT OF WAY AT THE REAR OF 180 & 184 CARLISLE ST, ST KILDA
LOCATION/ADDRESS:	REAR 180 & 184 CARLISLE ST, ST KILDA
RESPONSIBLE EXECUTIVE DIRECTOR:	DAVID YEOUART, EXECUTIVE DIRECTOR, COMMUNITY ASSETS & SERVICES
AUTHOR:	TOULA KOTSABOUKIS, TECHNICAL LIAISON OFFICER, ASSET PLANNING
FILE NO.:	78/11/190-01
ATTACHMENTS:	SITE PLAN & PHOTOGRAPH

1. EXECUTIVE SUMMARY

- 1.1. This report is to finalise the discontinuance and sale of section of Right of Way at the rear of 180 & 184 Carlisle St, St Kilda.

2. BACKGROUND AND CONTEXT

- 2.1. The statutory process commenced after a Councilor Note on the 10th October 2007.
- 2.2. The purpose of the discontinuance is to sell the section of Right of Way at the rear of 180 & 184 Carlisle St, St Kilda to the abutting property owner.
- 2.3. The applicants have accepted the sale price of the land of \$60,800.00 plus an administration cost of \$2,500.00.

3. RECOMMENDED OPTION

- 3.1. That the statutory procedure be finalised and the section of Right of Way be discontinued and the land sold to the abutting property owner.

4. CRITERION FOR RECOMMENDATION

- 4.1. The section of Right of Way no longer offers any community benefit as the road has been enclosed for a long period of time.
- 4.2. That the statutory procedures to discontinue and sell the section of Right of Way at the rear of 180 & 184 Carlisle St, St Kilda, should be completed subject to the Council's road discontinuance and sale policy.

5. SUSTAINABILITY IMPLICATIONS

5.1. Social

The sale of the section of Right of Way is seen as due compensation to the community for the loss of public land. It is inequitable for property owners to derive private benefit from public land, without due compensation to the community.

5.2. Economic Viability

The income from the sale of the section of the Right of Way is seen as due compensation to the community for the loss of public land.

5.3. Environmental Responsibility

There are no sustainability implications in terms of environmental responsibility.

5.4. Cultural Vitality

There are no sustainability implications in terms of cultural vitality.

5.5. Policy and legislative implications

The discontinuance and sale of the section of Right of Way is in accordance with the Council's discontinuance and sale of roads policy.

5.6. Resource implications

The cost of selling the section of Right of Way will be absorbed within current operational budgets.

6. ALTERNATIVE OPTIONS

6.1. Reject the application to purchase. It should be noted that the section of Right of Way at the rear of 180 & 184 Carlisle St, St Kilda has been enclosed for a long period of time. Rejecting the application to purchase the section of Right of Way will not provide any community benefit. Council's Heritage Advisor has confirmed that there are no heritage issues.

7. PARTICIPATION AND ENGAGEMENT

7.1. Council has communicated with the public through a "Public Advertisement" in the local newspaper during the statutory process. No objections were received.

7.2. Internal consultation was carried out with Asset Management, Traffic Management, Strategic Planning, Planning and Building and Project Services and they advise that they have no objections to the proposals.

7.3. Council's Heritage Advisor has confirmed that there are no heritage issues.

7.4. External consultation has been undertaken and a no objections were received.

8. RECOMMENDATION

That the Strategy and Policy Review Committee recommend to Council that:

- 8.1. The statutory procedures to discontinue the section of Right of Way at the rear of 180 & 184 Carlisle St, St Kilda, be completed. That the land from the road be sold to the owners of 180 & 184 Carlisle St, St Kilda, subject to the land being consolidated to the property.