

**STRATEGY AND POLICY REVIEW COMMITTEE**  
**5 MAY 2008** **GOVERNANCE AND COMPLIANCE**

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<b>A6</b>	<b>PROPOSED DISCONTINUANCE AND SALE OF RIGHT OF WAY NO. R3127 ABUTTING 8 HOTHAM ST, SOUTH MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>ABUTTING 8 HOTHAM ST, SOUTH MELBOURNE</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS &amp; SUPPORT</b>
<b>AUTHOR:</b>	<b>TOULA KOTSABOUIKIS, PROPERTY ADVISOR, PROPERTY MANAGEMENT &amp; VALUATIONS</b>
<b>FILE NO.:</b>	<b>2730/008-01</b>
<b>ATTACHMENTS:</b>	<b>SITE PLAN &amp; PHOTOGRAPH</b>

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**1. EXECUTIVE SUMMARY**

- 1.1. This report is to finalise the discontinuance and sale of Right of Way No. R3127 abutting 8 Hotham St, South Melbourne.

**2. BACKGROUND AND CONTEXT**

- 2.1. The statutory process commenced after a Councilor Note on the 28<sup>th</sup> February 2008.
- 2.2. The purpose of the discontinuance is to sell the Right of Way abutting 8 Hotham St, South Melbourne to the abutting property owner.
- 2.3. The applicant has accepted the sale price of the land of \$5,000.00 plus an administration cost of \$2,500.00.

**3. RECOMMENDED OPTION**

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

**4. CRITERION FOR RECOMMENDATION**

- 4.1. The Right of Way no longer offers any community benefit as the land as the land has been enclosed for a long period.
- 4.2. That the statutory procedures to discontinue and sell the Right of Way No.R3127 abutting 8 Hotham St, South Melbourne should be completed subject to the Council's sale policy.

**5. SUSTAINABILITY IMPLICATIONS**

**5.1. Social**

The sale of the 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 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 Right of Way is in accordance with the Council's discontinuance and sale 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 Right of Way No.R3127 abutting 8 Hotham St, South Melbourne has been enclosed for a long period. Rejecting the application to purchase the 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 that Council resolve:

- 8.1. That the statutory procedures to discontinue the Right of Way no.R3127 abutting 8 Hotham St, South Melbourne, be completed. That the land from the Road be sold to the owners of 8 Hotham St, South Melbourne, subject to the land being consolidated to the property.