

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

A9	PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO. R2791 (510) AT THE REAR OF 208 ALBERT ROAD, SOUTH MELBOURNE
LOCATION/ADDRESS:	REAR 208 ALBERT RD, SOUTH MELBOURNE
RESPONSIBLE EXECUTIVE DIRECTOR:	SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS & SUPPORT
AUTHOR:	TOULA KOTSABOUKIS, PROPERTY ADVISOR, PROPERTY & VALUATIONS
FILE NO.:	34/14/510-01
ATTACHMENTS:	SITE PLAN & PHOTOGRAPH

1. EXECUTIVE SUMMARY

- 1.1. This report is to finalise the discontinuance and sale of a section of Right of Way No. R2791 at the rear of 208 Albert Rd, South Melbourne. Council proposes to sell the section of Right of Way to the abutting owner, who is prepared to purchase the land at the price determined by Council's valuer.

2. BACKGROUND AND CONTEXT

- 2.1. The statutory process for 208 Albert Rd, South Melbourne commenced after a Councilor Note on the 21st May 2008.
- 2.2. The purpose of the discontinuance is to sell the section of Right of Way at the rear of 208 Albert Rd, South Melbourne to the abutting property owner.
- 2.3. The applicant for 208 Albert Rd, South Melbourne has accepted the sale price of the land of \$85,750.00 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 property owners of 5 Thomson St, South Melbourne have been given the opportunity to liaise with Council regarding this section of the Right of Way. Initially the owners of 5 Thomson St, South Melbourne applied to lease/licence the section of Right of Way but believed that the fees were excessive and suggested that the section of Right of Way be discontinued and designated as public metered parking for residents. The owners of 208 Albert Rd, South Melbourne have negotiated with Council over the last two years and lodged an application to purchase the section of Right of Way. The section of Right of Way no longer offers any community benefit and is considered a redundant portion of the Right of Way as it is a dead end cul-de-sac surrounded by concrete walls.
- 4.2. That the statutory procedures to discontinue and sell the section of Right of Way rear of 208 Albert Rd, South Melbourne should be completed subject to the Council's 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 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 policy, set out in Clause 3 of Schedule 10, of Local Government Act 1989.

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 there have been disputes between abutting property owners regarding dumped rubbish, parking and dumpsters located in this portion of the Right of Way. The section of Right of Way at the rear of 208 Albert Rd, South Melbourne does not provide any access to abutting property owners. 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 on the 8th July 2008, during the statutory process. Correspondence dated 30th June 2008 requesting comments or objections were forwarded to the owners of 5 Thompson St, South Melbourne. 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 proposal.
- 7.3. Council's Heritage Advisor has confirmed that there are no heritage issues.
- 7.4. External consultation to Service Authorities has been undertaken and no objections were received.

8. RECOMMENDATION

- 8.1. That the Strategy and Policy Review Committee recommend that Council resolve:
- 8.1.1. That the statutory procedures to discontinue the section of Right of Way No. R2791 at the rear of 208 Albert Rd, South Melbourne, be completed. That the land from the Road be sold to the owners of 208 Albert Rd, South Melbourne, subject to the land being consolidated to the property.