

STRATEGY AND POLICY REVIEW COMMITTEE
2 JUNE 2008 **GOVERNANCE AND COMPLIANCE**

A16	PROPOSED DISCONTINUANCE & SALE OF A SECTION OF DRAINAGE RESERVE ABUTTING 73 TENNYSON ST, ELWOOD
LOCATION/ADDRESS:	ABUTTING 73 TENNYSON ST, ELWOOD
RESPONSIBLE EXECUTIVE DIRECTOR:	SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION SYSTEMS & SUPPORT
AUTHOR:	TOULA KOTSABOUKIS, PROPERTY ADVISOR, PROPERTY & VALUATIONS
FILE NO.:	78/11/141-01
ATTACHMENTS:	SITE PLAN & PHOTOGRAPH

1. EXECUTIVE SUMMARY

- 1.1. This report is to finalise the discontinuance and sale of section of Drainage Reserve abutting 73 Tennyson St, Elwood.

2. BACKGROUND AND CONTEXT

- 2.1. The statutory process commenced after a Councilor Note on the 24th October 2007.
- 2.2. The purpose of the discontinuance is to sell the section of Drainage Reserve abutting of 73 Tennyson St, Elwood to the abutting property owner.
- 2.3. The applicants have accepted the sale price of the land of \$44,500.00 plus an administration cost of \$2,500.00.

3. RECOMMENDED OPTION

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

4. CRITERION FOR RECOMMENDATION

- 4.1. The section of Drainage Reserve no longer offers any community benefit as this portion of drainage reserve is the only portion not enclosed and is continuously used for dumping rubbish.
- 4.2. That the statutory procedures to discontinue and sell the section of Drainage Reserve abutting 73 Tennyson, Elwood should be completed subject to the Council's sale policy.

5. SUSTAINABILITY IMPLICATIONS

- 5.1. Social
 - 5.1.1. The sale of the section of Drainage Reserve 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
 - 5.2.1. The income from the sale of the section of the Drainage Reserve is seen as due compensation to the community for the loss of public land.
- 5.3. Environmental Responsibility
 - 5.3.1. There are no sustainability implications in terms of environmental responsibility.
- 5.4. Cultural Vitality
 - 5.4.1. There are no sustainability implications in terms of cultural vitality.
- 5.5. Policy and legislative implications
 - 5.5.1. The discontinuance and sale of the section of Drainage Reserve is in accordance with the Council's discontinuance and sale policy.
- 5.6. Resource implications
 - 5.6.1. The cost of selling the section of Drainage Reserve 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 Drainage Reserve abutting 73 Tennyson St, Elwood will be created as a drainage easement in Council's favour. Rejecting the application to purchase the section of Drainage Reserve 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 section of Drainage Reserve abutting 73 Tennyson St, Elwood, be completed. That the land from the reserve be sold to the owners of 73 Tennyson St, Elwood, subject to the land being consolidated to the property.