

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

**A13** **PROPOSED DISCONTINUANCE AND SALE OF A SECTION OF RIGHT OF WAY NO. R1229 REAR 3 LITTLE FINLAY ST, ALBERT PARK.**

**LOCATION/ADDRESS:** REAR 3 LITTLE FINLAY ST, ALBERT PARK.

**RESPONSIBLE EXECUTIVE DIRECTOR:** SALLY CALDER, EXECUTIVE DIRECTOR, ORGANISATION, SYSTEMS & SUPPORT.

**AUTHOR:** TOULA KOTSABOUKIS, PROPERTY ADVISOR, PROPERTY MANAGEMENT & VALUATIONS.

**FILE NO.:** 3350/003-01 & 34/14/059-01

**ATTACHMENTS:** SITE PLAN & PHOTOGRAPH

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**1. EXECUTIVE SUMMARY**

1.1. This report is to finalise the discontinuance and sale of a section of Right of Way No. R1229 at the rear of 3 Lt Finlay St, Albert Park.

**2. BACKGROUND AND CONTEXT**

2.1. The statutory process for 3 Lt Findlay St, Albert Park commenced after a Councilor Note on the 20<sup>th</sup> February 2008.

2.2. The purpose of the discontinuance is to sell the section of Right of Way at the rear of 3 Lt Finlay St, Albert Park to the abutting property owner.

2.3. The applicant for 3 Lt Findlay St, Albert Park has accepted the sale price of the land of \$15,400.00 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 land has been enclosed for a long period.

4.2. That the statutory procedures to discontinue and sell the section of Right of Way rear of 3 Lt Finlay St, Albert Park 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.

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 3 Lt Finlay St, Albert Park has been enclosed for a long period. 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 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**

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

- 8.1. That the statutory procedures to discontinue the section of Right of Way at the rear of 3 Lt Finlay St, Albert Park, be completed. That the land from the Road be sold to the owners of 3 Lt Finlay St, Albert Park, subject to the land being consolidated to the property.