

Agenda Report

TITLE: Part Closure of a Highway and a Disposal of Interest in Council Land - Corner of Nairana and Foster Streets, Invermay

FILE NO: SF1445

AUTHOR: Robert Bujnowski (Properties and Legal Officer)

GENERAL MANAGER: Shane Eberhardt (Infrastructure and Assets Network)

DECISION STATEMENT:

To consider the closure of a section of a highway consisting of 488m² of a road lot at the corner of Nairana and Forster Streets, Invermay and once closed, the subsequent sale of that portion of land via an Expressions of Interest process.

This decision requires an absolute majority of Council.

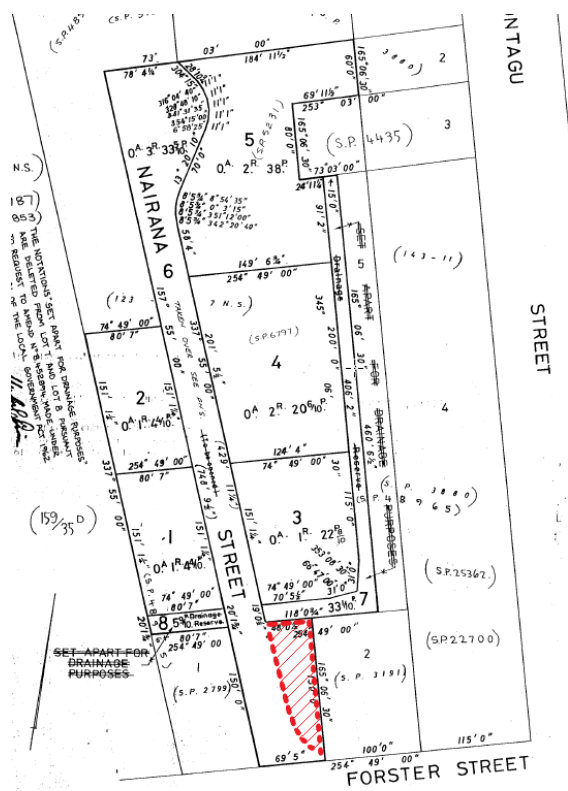
PREVIOUS COUNCIL CONSIDERATION:

Workshop - 30 September 2021 - Sale of Council Land - 108 Forster Street, Invermay

RECOMMENDATION:

That Council:

1. decides, pursuant to section 14 of the *Local Government (Highways) Act 1982* (Tas), to effect a highway closure of an approximately 488m² section of a road lot comprised in Certificate of Title Volume 65360 Folio 6 located at the corner of Nairana and Forster Streets, Invermay due to lack of use of that portion of land as a highway, the subject land shown in the hatched area below:



2. decides, by absolute majority pursuant to section 177 of the *Local Government Act 1993* (Tas), that upon effecting the highway closure of the area of land referred to in Recommendation 1., to sell that section of land by a public Expressions of Interest process whereby the purchase price be greater than the total sum of the following:
 - (a) the valuation amount in accordance with independent valuation advice obtained by the Council;
 - (b) \$1,200.00 plus GST for the costs associated with publicly advertising the local highway closure as referred to in Recommendation 1.;
 - (c) \$1,375.00 plus GST for the costs associated with the Council obtaining a valuation report as required by section 177 of the *Local Government Act 1993* (Tas);
 - (d) \$2,700.00 plus GST as the Council fee for officer time involved in the disposal of an interest in land;
 - (e) the Council's out-of-pocket costs associated with the survey and subdivision of the land; and
 - (f) \$3,000.00 plus GST for the approximate costs associated with publicly advertising the expression of interest process.

3. requests the Chief Executive Officer to do all things and exercise all functions and/or powers necessary with respect to Recommendation 1. and 2. in order that:
 - (a) public notice of the highway closure is provided in accordance with section 14 of the *Local Government (Highways) Act 1982* (Tas);
 - (b) an Expressions of Interest process is reasonably advertised to give both the adjoining owners as well as members of the public an opportunity to participate; and
 - (c) any prospective contract of sale is made subject to a condition precedent that the Council effects the subdivision of the relevant section of the Council's land prior to the completion of the contract.

4. notes, for the avoidance of doubt, Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas).
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Mr S Eberhardt (General Manager Infrastructure and Assets Network), Mr D Campbell (Team Leader Legal Services) and Mr R Bujnowski (Properties and Legal Officer) were in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 16 December 2021

MOTION

Moved Councillor D H McKenzie, seconded Councillor A G Harris.

That the Motion, as per the Recommendation to Council, be adopted.

CARRIED BY ABSOLUTE MAJORITY 10:0

FOR VOTE: Mayor Councillor A M van Zetten, Deputy Mayor Councillor D C Gibson, Councillor R I Soward, Councillor D H McKenzie, Councillor K P Stojansek, Councillor N D Daking, Councillor P S Spencer, Councillor A G Harris, Councillor T G Walker and Councillor K M Preece