

ITEM NO:	11.14
MEETING DATE:	13 October 2016
SUBJECT:	Woodlawn Road Side Access Purchase – CONFIDENTIAL
RECORD NUMBER:	R16/9662
AUTHOR:	Manager Regulatory Services, Jennifer Brewis
ATTACHMENT (S):	Nil

THIS REPORT IMPACTS ON:

Asset Management	X	Long term financial plan	X
Budget/Annual Business Plan	X	Financial Key Performance Indicators	
Legal/Statutory/Policies		Community engagement	X
Risk analysis/management		Service standards	
Environment		Legal advice	
Economic growth	X	Social	

BACKGROUND:

Contact has been made with the owner of Allotment 61, 62 and 63 Woodlawn Road regarding the purchase of a 20 metre wide strip to provide access from Woodlawn Road to Gibson Way.

The owners have agreed to enter negotiations with council for the sale of land. The land owner has returned with a sale price of \$30,000.00 with Council also responsible for:

1. all costs to survey and title re-alignments etc.
2. all costs incurred to fence the new road, only required once road way is constructed.
3. the suspension of Rates on Lot 61 & 63, until road way is fully constructed and sealed or we sell the blocks.

Points one and two and standard practise for such land purchases at this time.



Allotment 63 would become land locked and therefore not saleable until the road has been constructed. This makes the request of a rate rebate on this allotment appear reasonable.

Allotment 61 currently has access directly from Woodlawn Road.

The concept of rates being held is within Council's Rate Rebate Policy. However this is for new developments and in situations where more than 8 allotments are created.

That the following situation will warrant due consideration for the exercise of the discretion (not to the exclusion of other situations):

Three (3) year eligibility from initial application with a tiered scheme of rebate on rates:

- Year 1 - 75%
- Year 2 - 50%
- Year 3 - 25%

Will be granted where all of the following are complied with:

- the land division is of 8 allotments or more and each allotment has been separately assessed for rating purposes,*
- the developer has complied with all conditions of development approval,*
- no more than 70% of the allotments have been sold,*

If Council are to consider the proposal to suspend rates the Rate Rebate Policy will need to be amended to reflect the agreed terms.

Matters to Note:

- there is no current time frame for the installation of infrastructure along the road so any rebate could extend for many years.
- that if council does agree to purchase this land it would need to occur this financial year and this will impact on the current budget.

A further report will be brought to Council prior to the allotment being transferred into its ownership to exclude the land parcel from the community land classification. This will be necessary to enable the parcel of land to be made into a road/access into the future.

Survey costs are estimated at \$20,000.

OPTIONS:

1. accept the offer but only provide a rate rebate for allotment 61
2. accept the offer as proposed
3. delegate the power to the Chief Executive Officer to provide a counter offer.

Recommendation

1. That the Council resolve:
2. Pursuant to Section 90(2) of the Local Government Act, 1999, orders that all persons with the exception of the MJ Hentschke (Chief Executive Officer), RM Quinsee (Manager, Operations), JL Brewis (Manager, Regulatory Services) RC Nottle (Acting Manager, District Services), K Clark (Corporate Service Manager), JA Childs (Executive Assistant & Governance Officer/Minute Taker) to be excluded from attendance at the meeting for agenda item 11.14, relating to “Woodlawn Road side road purchase”.
3. The Council is satisfied pursuant to Section 90 (3)(b) of the Act, the information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest ”.
4. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.
5. That Council accept the offer only offering a full rate rebate for allotment 63
6. Delegate the Chief Executive Officer and Mayor the power to sign and seal documentation associated with creation and purchase of the allotment.
7. That having considered the agenda item 11.14 relating to “Woodlawn Road side road purchase” in confidence under Section 90(2) and (3)(b) of the Local Government Act, pursuant to Section 91(7) of the Act orders that the minutes, reports considered and discussed in relation to agenda item 11.14 be retained in confidence and not be available for public inspection until negotiations have concluded.