
RESUMPTION OF LAND

Objective Reference: A2204659
Report & Attachments Archives

Attachment: [Site Map](#)

Authorising Officer: Louise Rusan
General Manager Community and Customer Services

Responsible Officer: Graham Simpson
Acting Group Manager Environment and Regulation

Report Author: Merv Elliott
Principal Property Consultant

PURPOSE

To recommend to Council the continuance of resumption proceedings to acquire 3 Bayview Road, Russell Island described as Lot 6 RP122307 for car parking purposes.

BACKGROUND

The above vacant land in close proximity to the Russell Island landing jetty has been used for many years by residents of Russell Island for the purposes of parking vehicles. The land is in private ownership and at its meeting of 9 November 2016 a confidential Urgent Business Item was submitted to Council and endorsed by Council as follows:

- 1. To proceed to negotiate the purchase of the land described in the confidential attachment for car parking purposes;*
- 2. If negotiations to purchase the land are unsuccessful that Council proceed to resume the land for car parking purposes under the Acquisition of Land Act 1967;*
- 3. To delegate authority to the Chief Executive Officer under s.257(1)(b) of the Local Government Act 2009 to negotiate, make, vary and discharge the purchase agreement and to sign all documents in regard to this matter and to keep councillors informed prior to the purchase price being settled; and*
- 4. That report and attachments remain Confidential until such time as the acquisition of the subject land has been finalised.*

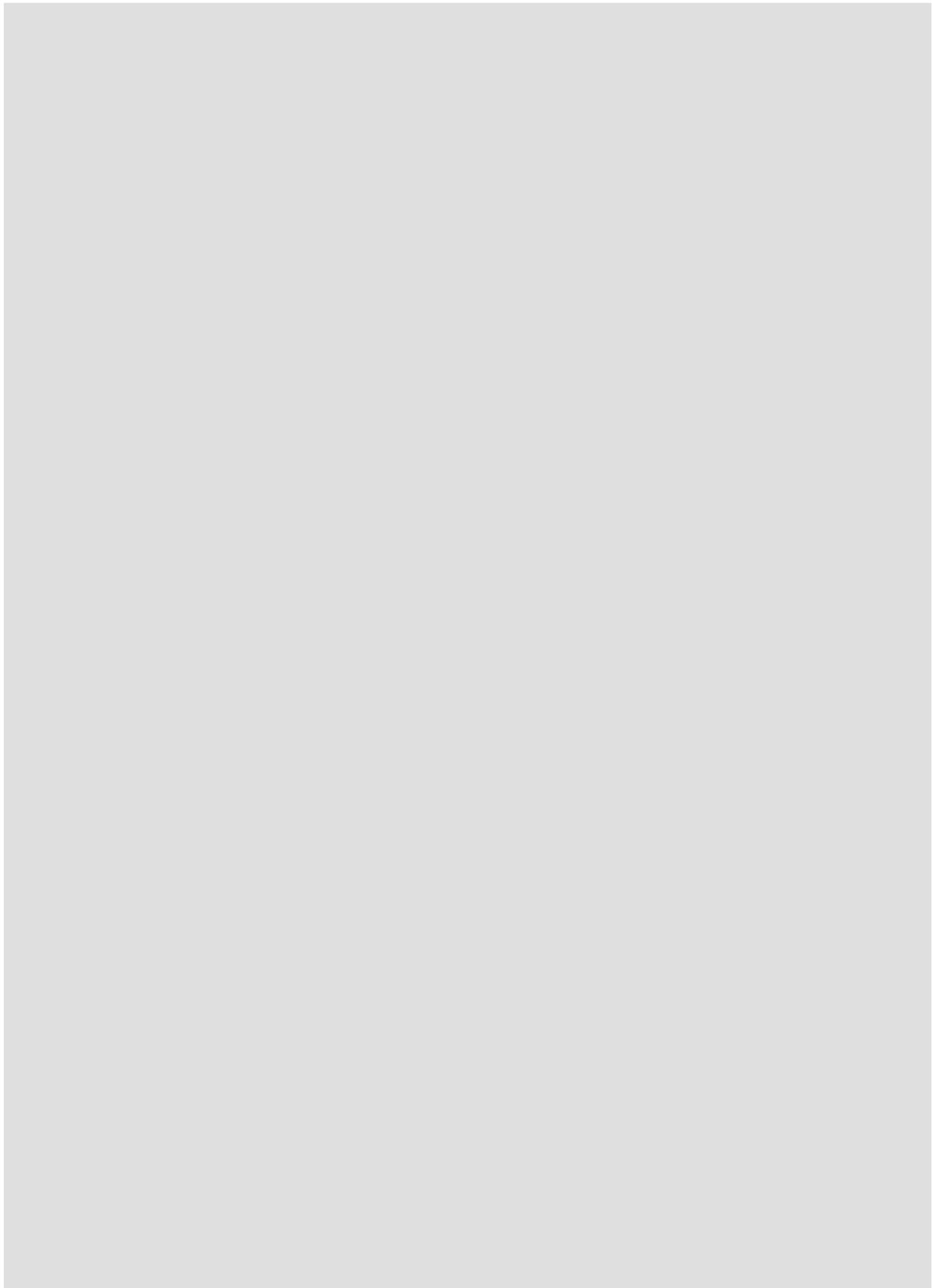
Subsequently, Council approached the owners by mail on 10 November 2016 requesting consideration be given to the sale of the land to Council at fair market value. Simultaneously, a Notice of Resumption was issued giving the owner the right to object to the resumption.

[Redacted]

In accordance with provisions contained in the Acquisition of Land Act 1967 Council is required to consider the grounds of and address each objection before deciding whether to continue or withdraw the resumption.

The objections are as follows:

[Redacted]



STRATEGIC IMPLICATIONS

Legislative Requirements

Resumption will be undertaken under the provisions of the *Acquisition of Land Act 1967*.

Risk Management

None Identified.

Financial

As the proposed purchase is not currently provided for in Council's current budget, if approved this would be the subject of a submission in the final budget review.

People

Not applicable.

Environmental

Not applicable.

Social

Social benefits will be realised by residents of Russell Island by providing additional car parking facilities within easy walking distance of the jetty.

Alignment with Council's Policy and Plans

Council's policy and plans support the provision of essential infrastructure for residents on mainland and islands.

CONSULTATION

Consultation has occurred with divisional councillor and City Infrastructure Group.

OPTIONS

1. That Council resolves as follows:
 - a. That the objections to the resumption have been considered and are dismissed as invalid;
 - b. That continuance of resumption action proceeds; and
 - c. That the Chief Executive Officer be authorised (under s.257(1)(b) of the *Local Government Act 2009*) to sign all necessary documents to give effect to the above recommendation.
 - d. That report and attachment remain Confidential until such time as the matter is finalised.
2. That council take no further action in the resumption of the subject allotment for car parking purposes.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

- 1. That the objections to the resumption have been considered are dismissed as invalid;**
- 2. That continuance of resumption action proceeds; and**

- 3. That the Chief Executive Officer be authorised (under s.257(1)(b) of the *Local Government Act 2009*) to sign all necessary documents to give effect to the above recommendation.**
- 4. That report and attachment remain Confidential until such time as the matter is finalised.**

