

3. FARNBOROUGH STREET RESERVE

Officer responsible Property Manager	Author Dave Falls, Property Services Officer, DDI 371-1580
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The Council, at its meeting of 28 September 2000, adopted a resolution to sell a parcel of Council land in Farnborough Street in exchange for a similar area in Brightstone Crescent pursuant to the provisions of section 230 of the Local Government Act 1974. That resolution was subject to the Council's compliance with section 40 of the Public Works Act 1981.

The Council has now received a legal opinion advising that exemptions under section 40 of the Public Works Act are available in regard to this transaction.

For this transaction to proceed, the Council therefore needs to resolve that there is no obligation to offer all or any part of the land contained in CT 38C/300 (the Council's land at Farnborough Street – refer attached plan and variation) back to the previous owner as:

- (1) In regard to that part of CT 38C/300 previously contained in Certificates of Title 8B/348 and 9B/1343, it is impracticable in terms of section 40(2)(a) of the Public Works Act 1981 to offer the land back to the previous owner. This is because the previous owner is a company which was the subject of a voluntary winding up by resolution filed with the Registrar of Companies on 22 March 1999. The liquidator's final report was filed on 3 October 2000 with the request that the company be removed from the Companies Office Register. The company was struck off on 19 December 2000.
- (2) In regard to that part of Certificate of Title 38C/300 previously contained in Certificate of Title 390/53, it is unreasonable and impracticable to offer back to the former owner in terms of section 40(2)(a) of the Public Works Act 1981. This is because of a number of factors including subdivision difficulties that would need to be overcome to effect an offer back, the length of time since the original acquisition and the best use of available land resources.

Now that the section 40 Public Works Act 1981 issues have been resolved, the Council also needs to resolve that the sale of its land at Farnborough Street (CT 38C/300) will be pursuant to section 42(1)(c).

Recommendation: That the Council resolve:

- (a) That it is impracticable in terms of section 40(2)(a) of the Public Works Act 1981 to offer back that part of CT 38C/300 previously contained in Certificates of Title 8B/348 and 9B/1343; and
- (b) That it is unreasonable and impracticable in terms of section 40(2)(a) of the Public Works Act 1981 to offer back that part of CT 38C/300 previously contained in Certificate of Title 390/53; and
- (c) To sell its land at Farnborough Street (Certificate of Title 38C/300) (in exchange for the land at Brightstone Crescent) pursuant to section 42(1)(c) of the Public Works Act 1981.