

**8.6 REQUEST FOR SUBDIVISION OF 9-13 GARRETTY ROAD, CAROLINE SPRINGS****Author: Daniel Hogan - Customer Engagement Manager****Presenter: Peter Bean - General Manager Corporate Services****PURPOSE OF REPORT**

For Council to consider an application for subdivision of Council land at 9-13 Garretty Road, Caroline Springs, for the purpose of transferring a portion of land to a neighbouring domestic property which has built over the existing boundary.

**RECOMMENDATION:**

That Council:-

- a) Accept the application for subdivision
- b) Agree that the smaller portion of sub-divided land be transferred to the applicant
- c) Agree that all costs be borne by the applicant

Crs Ramsey/Borg. That the recommendation be adopted.

CARRIED

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**REPORT****1. Executive Summary**

A newly built home on 46 Commercial Road, Caroline Springs exceeds its west side boundary by 50mm in width, 27m in length, encroaching into the neighbouring property of 9-13 Garretty Road. This is a total of 13m<sup>2</sup>. (**Appendix 1**)

9-13 Garretty Road is Council owned and is an open, landscaped block forming part of Council's open space policy. The land was transferred to Council by Lend Lease, the builder of the home on 46 Commercial Road. (**Appendix 2**)

An application to subdivide the Council property has been received, for the purpose of transferring a portion of land to the resident of 46 Commercial Road, which will allow the inclusion of the property within redrawn boundaries.

**2. Background/Issues**

A newly built home on 46 Commercial Road, Caroline Springs exceeds its west side boundary by 50mm in width, 27m in length, encroaching into the neighbouring property of 9-13 Garretty Road. This is a total of 13m<sup>2</sup>. (Appendix 1)

9-13 Garretty Road is Council owned and is a landscaped block of land forming part of Council's open space policy (Appendix 2). The land was transferred to Council by Lend Lease, the builder of the home on 46 Commercial Road, as a developer contribution.

Council is not at fault, but is being asked to resolve the issue.

An application to subdivide the Council property into two has been received, for the purpose of transferring the smaller portion of land to the resident of 46 Commercial Road, which will allow the inclusion of the built home within redrawn property boundaries.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL****26 JULY 2012**

The building received a Certificate of Residency from Westwood Building Permits on 23 December 2011, and will be occupied by the owner.

The size of the land requested is so small as to be negligible, and there is no discernable reduction of the remaining open space owned by Council.

**3. Council Plan Reference and Policy Reference**

Leadership is a 'Key Principle' within the 2009-13 Council Plan, referencing good governance and encouraging community members to raise issues with Council for address. Responding in a fair and transparent manner to this outstanding issue confronting a resident incorporates this principle.

**4. Financial Considerations**

The size of the land is negligible, being only 50mm in width. As a result, the commercial value of the land is considered to be nil. Associated legal and commercial costs will be borne by the applicant.

**5. Consultation/Public Submissions**

Council has engaged with the subdivision applicant, the builder and the home owner and occupier to develop this recommendation.

**6. Risk Analysis**

Negligible financial, reputation or legal risk attached to the recommendation.

**7. Options**

Council may choose;

- a) to accept the recommendation
- b) reject the recommendation and take no further action, effectively ignoring the encroachment, or
- c) reject the recommendation, and insist the property owner retract any part of their property that encroaches upon the Council reserve. This action will likely incur significant legal costs.