

Cr McNamara declared a financial interest in Item 4.1 by virtue of of a business relationship with the Atlas Company, the owner of the land within the City of Stirling.. Cr McNamara left the Chamber at 6.00pm and was absent during the whole of the debate on Item 4.1 and did not speak or otherwise participate in the decision making process.

#### **4.1 TRANSFER OF LAND TO CROWN - ALEXANDER DRIVE, MIRRABOOKA**

(No Wards) (Operations)

##### **KEY ISSUES**

- The City is the Registered Proprietor in freehold of portions of each of Swan Locations 4779 and L and being part of the land on Plan 12025 held in Certificate of Title Volume: 1990 Folio: 467 consisting of an area of 3425m<sup>2</sup>.
- The lot is a wedge shaped elongated parcel of land which appears to form a part of the Alexander Drive road reservation situated immediately northwest of its intersection with Reid Highway in the locality of Mirrabooka. It is not known how, when or why the City acquired the land other than perhaps to assist with the early construction of Alexander Drive.
- The City of Stirling, in the process of providing a gas easement to the Atlas Company over adjacent Crown land, discovered that the subject portion of land is held in freehold by the City of Swan and is seeking the City's agreement to the transfer of the land to the Crown to facilitate the easement and, at the same time, rationalise the Crown's landholdings in the area.
- The City of Stirling has confirmed that the City's lot may ultimately be required as part of the road reservation at the intersection of Reid Highway and Alexander Drive. However, in the interim to resolve their current proposal they are seeking the transfer and amalgamation of the land with adjacent Crown land.
- Due to the shape, it is located within the City of Stirling and that in all likelihood it was acquired for the purpose of Alexander Drive its value is likely to be limited and it is considered the best option is for the City to transfer the lot, at nil cost, to the Crown subject to the City of Stirling meeting all costs involved in its transfer and amalgamation with adjacent Crown land.

It is recommended that the Council resolve to transfer the land held by the City of Swan on Certificate of Title Volume: 1990 Folio: 467 situated on Alexander Drive, Mirrabooka to the Crown for amalgamation with adjacent Crown land.

##### **BACKGROUND**

The City is registered as the owner of part of the land comprised on Plan 12025 held in freehold on Certificate of Title Volume: 1990 Folio: 467 adjacent to Alexander Drive, Mirrabooka.

It is not known how, when or why the City acquired the land but it would appear that it was acquired some time ago to facilitate the construction of Alexander Drive and its only possible use is for the completion of the Alexander Drive road reservation immediately north west of its intersection with Reid Highway.

## **REPORT**

The City of Stirling, in the process of providing a gas easement in favour of the Atlas Group Pty Ltd who operate a Brick and Paving Centre on land immediately adjacent to Alexander Drive and a Crown Reserve vested in the City of Stirling, discovered that the subject portion of land is held in freehold by the City and is seeking Council's agreement to the transfer of the land to the Crown to facilitate the granting of the easement and at the same time rationalise the Crown's landholdings in the area.

Because of the shape, position of the lot and the fact that its only potential use is for the widening of the Alexander Drive reservation and the amalgamation of any balance with an adjacent Crown reserve, there is little option available to Council other than to agree to transfer the land to the Crown for the purpose of its amalgamation with the adjacent Crown land on condition that the City of Stirling undertake and meet the costs involved in the transfer and amalgamation.

## **ATTACHMENTS**

Locality plan.

## **STRATEGIC IMPLICATIONS**

Nil

## **STATUTORY ENVIRONMENT**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

That the Council resolve to:

- 1) Transfer the land held by it in freehold on Certificate of Title Volume: 1990 Folio: 467 on Alexander Drive, Mirrabooka to the Crown for amalgamation with adjacent Crown land on condition that the City of Stirling undertake and meet the costs involved in the transfer and amalgamation of the land.

**MOTION** that the Council resolve to:

- 1) Advise the City of Stirling that the City of Swan:
  - a) is not at this stage prepared to relinquish its land contained in Certificate of Title 1990/467; and
  - b) is prepared to grant the required easement across the City's land contained in Certificate of Title 1990/467 subject to all costs involved in the preparation and lodgement of the relevant documentation being met by the parties requiring the easement.
  - c) Record that the reason for changing the Recommendation is because the City of Swan owns the property in fee simple and does not wish to sell the land.

(Cr Congerton - Cr Holmes)

**RESOLVED UNANIMOUSLY TO:**

- 1) Advise the City of Stirling that the City of Swan:
  - a) is not at this stage prepared to relinquish its land contained in Certificate of Title 1990/467; and
  - b) is prepared to grant the required easement across the City's land contained in Certificate of Title 1990/467 subject to all costs involved in the preparation and lodgement of the relevant documentation being met by the parties requiring the easement.
  - c) Record that the reason for changing the Recommendation is because the City of Swan owns the property in fee simple and does not wish to sell the land.

Cr McNamara returned to the Chamber at 6.03pm.