

CLOSURE AND SALE OF UNUSED SECTION OF ROAD – WENKE STREET, WALLA WALLA

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REASON FOR REPORT

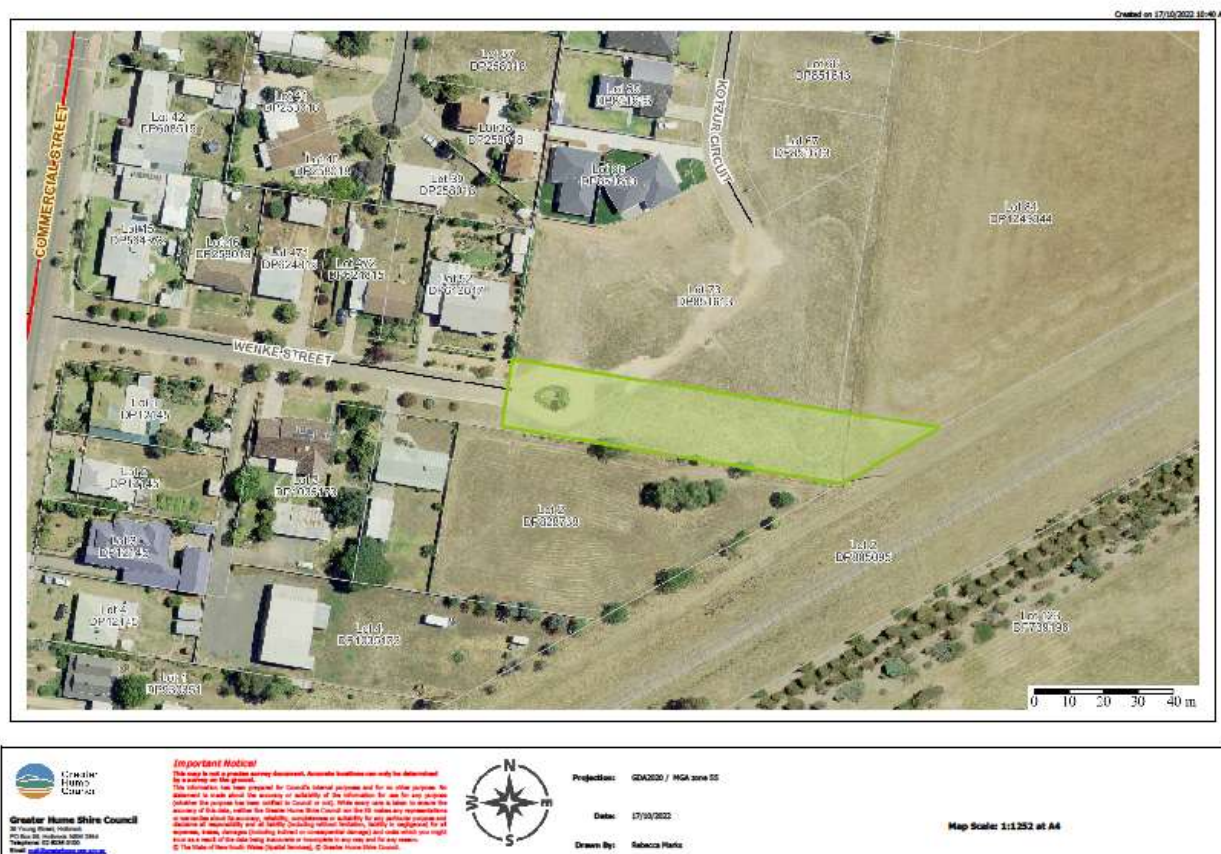
The purpose of this report is to seek Council's consent to commence calling for submissions to close a section of public road and sell the land to the adjoining property owners.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

DISCUSSION

Greater Hume Council is requesting to close and utilise a portion of an unused section of road reserve for inclusion in the Jacob Wenke Subdivision Stage 3, Walla Walla. The unused section of road separates Lot 2 DP 828738 from Lot 73 DP 851613. A copy of the map highlighting the proposed road closure in green is below:



Council may close a public road, as the road authority, under Section 38A of the Roads Act 1993 if:

- The road is not reasonably required as a road for public use (whether for present or future needs), and
- The road is not required to provide continuity for an existing road network, and

- c. If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

Council staff have inspected the road and determined the road reserve is excess to Council requirements and not required for any current or future road network extensions.

Council has confirmed that construction has been undertaken on the road as evidenced by mowing, weed mitigation and clearing of fallen vegetation.

Access to existing properties adjoining the road will be unaffected.

A search has been undertaken to determine the status of the road which concludes that this road is a council public road within the meaning of the Roads Act 1993.

In accordance with the Roads Act 1993 Section 38(e)(2), whereby “*a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place) – remains vested in the council*”, and given the mitigation and maintenance undertaken, the road would remain vested in Council upon closing.

This report seeks Council's authorisation to invite submissions with respect to the potential closure of road separating Lot 2 DP 828738 from Lot 73 DP 851613 in accordance with Section 38B of the Roads Act 1993.

BUDGET IMPLICATION

Council is responsible for all associated costs in respect of the proposed road closing and is included in the land development budget.

CONCLUSION

The section of unused road is surplus to the road network requirements of Council and will have no impact on access to surrounding properties. It is therefore considered appropriate for Council to invite submissions in accordance with Section 38B of the Roads Act 1993.

A further report will be submitted to the Council upon the conclusion of the submission period of 28 days.

RECOMMENDATION

That:

That council invites submissions for a period of 28 days in respect of the potential closure and disposal of the unused section of road separating Lot 2 DP 828738 from Lot 73 DP 851613 in accordance with Section 38B of the Roads Act 1993.