

GENERAL REPORTS

3 PROPOSED DISCONTINUANCE OF ROAD AND SALE OF UNUSED ROAD ADJACENT TO 1 EMBREY COURT, PAKENHAM

FILE REFERENCE INT1725629

RESPONSIBLE GENERAL MANAGER Derek Madden

AUTHOR Russell Hodges

RECOMMENDATION

That:

1. Council commence the statutory procedures in accordance with clause 3 schedule 10 of the Local Government Act, 1989, (the Act) to discontinue a portion of road abutting 1 Embrey Court Pakenham as shown on the attached locality plan.
2. Council publish a notice in the local paper for Pakenham under sections 207A and 223 of the Act advising of the proposed road discontinuance and such notice state that if discontinued, that the land will be transferred to the abutting owner.
3. In the event of no submissions being received, the Chief Executive Officer be authorised on behalf of Council to affect the proposed discontinuance and publish a notice in the Victoria Government Gazette and sign and seal all documentation associated with the sale of land.
4. In the event of submissions being received, a committee comprising of the ward Councillors be appointed and the Chief Executive Officer be authorised to set the day, time and place for the hearing of such submissions.

Attachments

- 1 Locality plan 1 Page

EXECUTIVE SUMMARY

This report recommends that Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (the Act) and also in accordance with sections 207A and 223 of the Act, commence the statutory procedures to discontinue the portion of road abutting 1 Embrey Court Pakenham, shown hatched on the attached plan (Road).

BACKGROUND

Council has been approached by the owner of 1 Embrey Court Pakenham to discontinue the Road shown on the attached plan. A similar section of road abutting 2 Embrey Court was discontinued in 2014.

Consultation has been carried out with other abutting owners at 1 and 2 Hogan Court, however they have expressed no interest in the section for road abutting their property being discontinued. Therefore, a proposal to discontinue the road abutting 1 Embrey Court will be considered in isolation.

This section of road reserve currently forms part of the nature strip and is not required for future road widening. The adjoining owner has indicated interest to purchase this land if the road is discontinued.

POLICY IMPLICATIONS

The proposal to discontinue and sell the road has been carried out in accordance with the 'Discontinuance and sale of Roads and Right of Ways Policy' (Policy) in particular the land will be sold at market value and all costs passed on to the purchaser of the land.

RELEVANCE TO COUNCIL PLAN

The relevant Council Plan objective is that 'We continue to plan and manage the natural and built environment for future generations'. The objective is to be achieved through balancing the needs of development, the community and the environment.

CONSULTATION/COMMUNICATION

Council departments and service authorities have been consulted concerning the existence of any assets and requirements with regards to easements. South East Water have advised that there is a water main under the land and they require for this to be relocated to the remaining section for road reserve. The adjoining owner will be required to arrange and fund the relocation of the water main.

There are sewerage assets and storm water drainage assets that must be protected by an easement in favour of South East Water and Council.

Council are required to carry out the statutory procedures in relation to the proposal to discontinue and transfer the unused roads under the Act, including giving public notice of the intention to discontinue and transfer the roads, and hear any submissions received in this regard.

FINANCIAL AND RESOURCE IMPLICATIONS

If the Road is discontinued the abutting owner has agreed to purchase the land at the market value of the land and they have also agreed to pay all costs associated with the proposal.

CONCLUSION

As the proposal to discontinue the portion of roads has no apparent detrimental effect in relation to access requirements within this area, the subject portion of road is considered to be suitable for discontinuance and transfer.

