



# ADDENDUM ITEM AGENDA

## ORDINARY MEETING OF COUNCIL

Tuesday, 16 February 2016

To be held Swan Hill Town Hall Council  
Chambers McCallum Street, Swan Hill  
Commencing at 2:00 PM

**COUNCIL:**

Cr LT McPhee – Mayor

Cr JN Katis

Cr CM Adamson

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr JB Crowe

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## **SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA**

### **B.16.9 ROAD DISCONTINUANCE – UNNAMED ROAD, ULTIMA**

**Responsible Officer:** Acting Director Infrastructure  
**File Number:** S12-01-08  
**Attachments:** 1 Exponare map

#### **Declarations of Interest:**

Rosanne Kava - as the responsible officer, I declare that I have no disclosable interests in this matter.

#### **Summary**

A request has been received from *Pentarch Freight Forwarding* for the discontinuance of Unnamed Road (UL04), Ultima. This report provides Council with a recommendation to discontinue the road under Section 206 and Schedule 10 Clause 3 of the Local Government Act, 1989 ( Act).

If discontinued, the land from the road must be transferred to the Crown for sale to adjacent land owners by DELWP (Department of Environment, Land, Water & Planning).

#### **Discussion**

Council has been approached by landowner, *Pentarch Freight Forwarding* of CA 37A Ultima, requesting road discontinuance of the unnamed unmade road on the western boundary of their property, and the possibility of them purchasing the land. (See attached map).

*Pentarch Freight Forwarding* proposes to establish a hay compression facility on the site and will need to construct a hard stand area close to the rail line directly over this road.

Further investigation revealed that there are no Section 173 agreements or easements attached to title CA 37A. On inspection, it has been determined that this road is “not reasonably required as a road for public use” and is currently fenced into the adjacent property.

#### **Consultation**

Under Section 207A and Schedule 10 Clause 3 of the Act, Council is required to carry out consultation and a person has a right to make a submission under Section 223 of this Act.

A public notice will published in the Guardian newspaper giving notice of Council’s intention and letters will be sent to adjacent and abutting neighbours.

During this process, the landowners to the north of CA37 that abuts the same unnamed road will also be consulted and given the same opportunity to purchase the land, after the road has been discontinued adjacent to their property. Preliminary discussions have been positive.

### **Financial Implications**

As the portion of land to be consolidated is already utilised by the abutting landowners and has not been constructed as part of the road reserve, Council and the public will not be disadvantaged by its discontinuance.

### **Social Implications**

Not applicable

### **Economic Implications**

Not applicable

### **Environmental Implications**

Not applicable

### **Risk Management Implications**

Not applicable

### **Council Plan Strategy Addressed**

***Built and Natural Environment*** - A strong focus on Asset Management systems and planning.

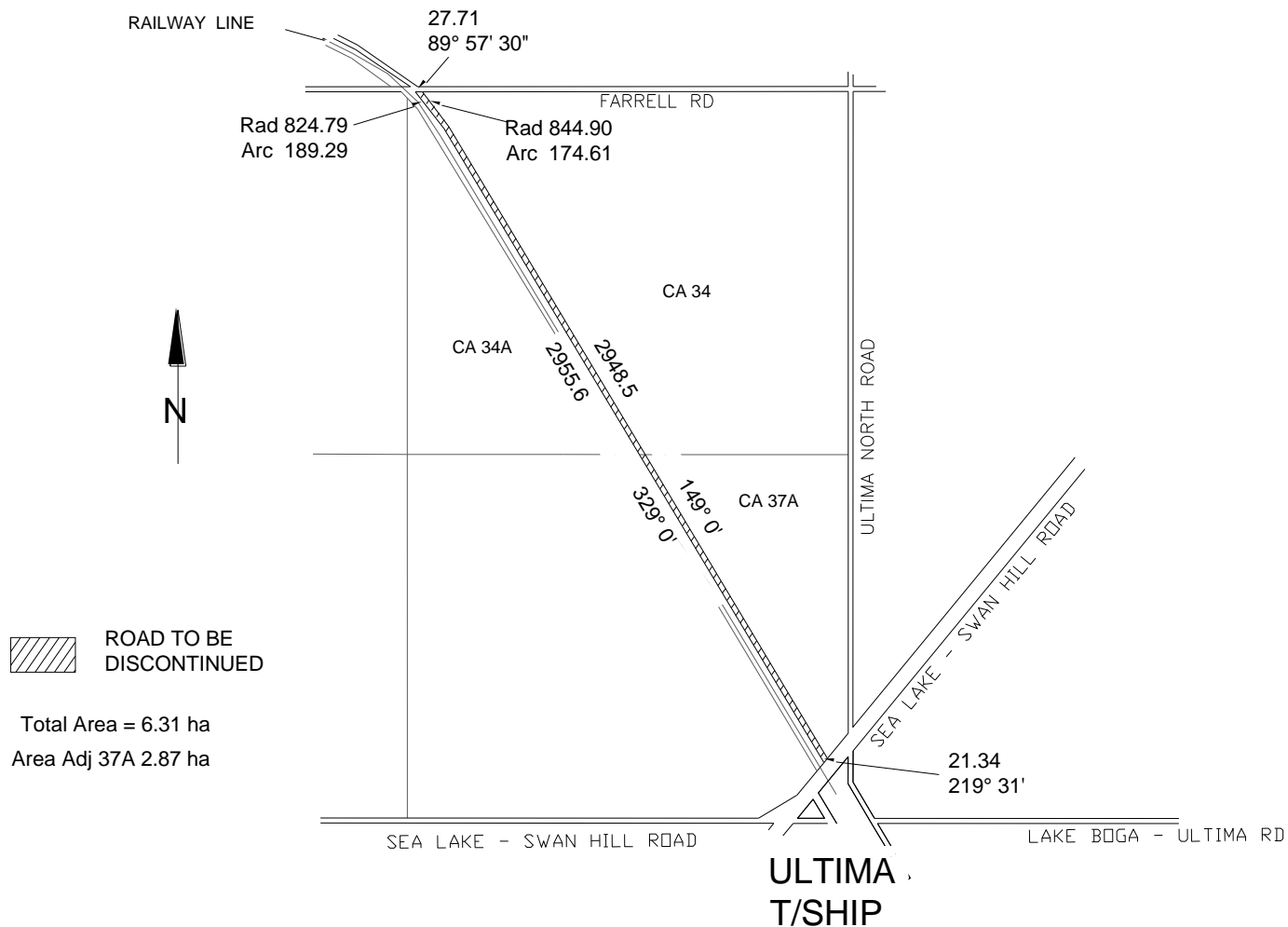
### **Options**

- 1) Council discontinue the road. The land from the road will then be transferred to the Crown for sale to adjacent land owners. Sale will be undertaken by DELWP.  
Or
- 2) Retain the road status.

### Recommendations

#### That Council:

1. Agree to discontinue the Unnamed Road, UL04 Ultima as shown on attached map.
2. Agree to place a public notice in The Guardian newspaper advising of Council's intention to discontinue the road and note that letters will be sent to adjacent and abutting neighbours.



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### SWAN HILL RURAL CITY COUNCIL PROPERTY MAP

