

### 3. Road closure – section of Burragate Road

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Council has received an application to close a part of an unformed section of the Burragate Road prior to the lodgement of a plan of subdivision (DA 2004.0120) dedicating the constructed section of this road.

**Group Manager, Infrastructure Waste & Water**

#### BACKGROUND

10 During the assessment and approval process of Development Consent 2004.0120 the constructed location of a section of the Burragate Road fronting Lot 1 DP 859766 was found to be not contained within the designated road reserve. As a result, agreement has been reached between Council and the applicant to the formal closing of this section of road with the ownership transferred to the applicant as compensation for the loss of a 20.0 metre wide strip containing the constructed section of the Burragate Road.

#### ISSUES

##### Legal

Subject to the adoption of this report the application for road closing will follow due process with advertising in the local papers and an application to the Department of Lands.

##### Consultation

20 The closure and subsequent opening of the reserve over the road in use will have no affect on any other parties except Council and the owner, Ms J Lange.

##### Financial

Cost associated with the road closure, purchase and transfer of the land will be met by Council. Cost associated with the opening of the new section of Public road will be met by Council (if lodged under the Roads Act), or the applicant (if lodged as part of the subdivision plan).

#### CONCLUSION

30 It is recommended that Council's General Manager be authorised to execute the necessary documents to effect the closure of the section of unformed Burragate Road fronting Lot 1 in DP 859766 and subsequent transfer of that land as compensation to Ms J Lange with the intention that a 20.0 metre strip of Ms Lange's land be dedicated as public road to Council. The dedication of the new section of public road will be either incorporated within the subdivision plan for Development Consent 2004.0120 or lodged as a road opening plan under the Roads Act 1993.

**RECOMMENDATION**

That Council authorise the General Manager to execute the necessary documents to effect the closure of the unformed section of Burragate Road fronting Lot 1 in DP 859766 and subsequent transfer of the land to Ms J Lange.