

Policy Title	Closure and Sale of Walkways
Related Documentation	General Information for Applicants on Proposed Walkway Closure and Sales Procedures
Relevant Legislation	<i>Roads Act 1993</i> <i>Local Government Act 1993</i>
Responsible Officer	Executive General Manager City Planning and Corporate Services

UNCONTROLLED WHEN PRINTED

Objective

To establish a consistent method and standard approach for the community and Council as to the circumstances under which walkways can be formally closed.

To provide an overview of the process required to formally close a walkway, define any subsequent sale process that might stem from the formal closure and articulate the responsibility for all parties involved.

Policy Statement

Council acknowledges that under certain circumstances the need may arise to consider the closure of a walkway in the best interest of its community. This Policy seeks to ensure that the community is appropriately informed about the rights and obligations of the various parties involved in a walkway closure.

Scope

This Policy applies to all members of the community seeking walkway closure(s) and all members of staff involved in the consideration of the walkway closure applications.

Definitions

Walkways are typically a dedicated public right of passage connecting public areas such as a right of passage between two roads or a right of passage between a road and park/reserve.

In addition to providing a public right of passage, walkways may also be used for overland drainage flow and the location of utility services.

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Directorate: City Governance
Section: Property Services
Record No.: CDO-25/666

Adopted Date: 16/08/1988
Revised Date: 14/10/2025
Minute Number: 271
Review Date: 30/09/2029

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Legislative Context

Council has under its control various walkways and has the ability pursuant to Part 4, Division 3 of the *Roads Act 1993* to close a public road/walkway.

Council has the authority to sell formally closed walkways to the adjoining landowners pursuant to Part 2 of the *Local Government Act 1993*.

Principles

1. Advice will be sought from relevant Sections of Council to determine if the walkways are required for operational purposes and advise if there are any conditions/restrictions required should the closure be approved by Council.
2. Consideration for closure of a walkway will be based on a range of factors which may include the provision of evidence of significant anti-social behaviour occurring with the walkway.
3. The applicant(s) are to pay all costs associated with pursuing a walkway closure and sale.
4. Only an adjoining owner may make an application to close a walkway, which must be in writing. The adjoining owner seeking closure must provide reasons for the proposed closure and include details such as dates and photos of any incidents reported to Council or the Police. If there is insufficient supporting documentation the closure request may not be considered by Council.
5. The request for closure must be supported by all adjoining owners, in writing, including evidence that those owners are willing to purchase the walkway land at market value. Their details including mobile number, email and mailing addresses must also be provided.
6. In the case where four owners adjoin a walkway, there must be at least two owners willing to purchase the land, one owner from each end of the walkway, for Council to consider an application to close the walkway.
7. In the event an easement is required for the purposes of service infrastructure over the walkway land only two adjoining owners may purchase the walkway land – one from either end. If there are only two owners adjoining a walkway and an easement is required only one adjoining owner may purchase the walkway land.
8. Public notification to allow public submission on the proposal and a three (3) week trial closure period will occur prior to the Council considering a report to close and subsequently sell a walkway. The trial closure may not be undertaken during school holiday periods.

9. The relevant Council sections and service authorities will be notified to determine if a walkway can be closed and if easements or service relocations are required to be created upon closure of the walkway. Any costs incurred are payable by the applicant(s) purchasing the walkway land.
10. The effect of a walkway closure is that Lots are created enabling Council to sell to adjoining owners.
11. An independent valuer determines the sale price of land. The valuation will be undertaken on the basis of the current market value of the land, noting the highest and best use given the walkway land will be incorporated into an existing adjoining owner's land holding. If an owner chooses to obtain their own market valuation prior to the process commencing they are also required to pay for the valuation that Council obtains during the process.
12. Land sold to an adjoining owner is required to be consolidated with the adjoining owners land through a consolidation survey. The consolidation survey is required to finalise the closure process and must be undertaken within a reasonable timeframe.
13. Applicants should refer to General Information for Applicants on Proposed Walkway Closure and Sales Procedures which articulates the responsibility for all parties involved.

Effectiveness of this Policy

This policy will be reviewed in 3 years to ensure its continuing suitability and effectiveness. Records of reviews shall be maintained.

END OF POLICY STATEMENT