

REF: CM172/09

**PROPOSED ROAD CLOSURE AND SALE OF PORTION OF HICKS ROAD, THIRROUL  
ADJOINING NO 27 MOUNT GILEAD ROAD**

**Report of Manager Property and Recreation (RMC) 11/09/09**

**28.15.01.065**

**PRECIS**

Council has been approached by the owner of N<sup>o</sup> 27 Mount Gilead Road, Thirroul to consider the closure and sale to him of a portion of Hicks Road adjoining his property.

This report seeks Council's approval to the road closure and sale.

**RECOMMENDATION**

- 1 Council consent to the closure of the portion of public road adjoining Lot 11 DP 1058484 N<sup>o</sup> 27 Mount Gilead Road, Thirroul, as shown on Attachment 1, and upon closure, declare the land Operational under the Local Government Act 1993.**
- 2 Subject to formal closure, Council authorise the sale of the portion of closed road to the adjoining owner, or his nominee, on the following conditions:**
  - a A purchase price of \$9,500 (GST inc).**
  - b The purchaser be responsible for all costs associated with the closure and sale including legal fees, survey and plan lodgement fees and Council's reasonable legal fees.**
  - c Easements be created in favour of Integral Energy and Telstra.**
- 3 Authority be granted to affix the Common Seal of Council to the plan of survey, Section 88B Instrument and transfer documents, together with any other documentation required to give effect to this resolution.**

**BACKGROUND**

The owner of N<sup>o</sup> 27 Mount Gilead Road, Thirroul has approached Council to consider the sale of a portion of road reserve adjoining his western boundary. The portion of road is zoned 2(a) Low Density Residential, has dimensions of 20m x 3.435m and an area of approximately 68.7m<sup>2</sup> and is shown on Attachment 1.

Following the widening and realignment of Hicks Road, this portion of road reserve is considered surplus. No objections were raised to the closure and sale. Consultation with service authorities was also undertaken and Jemena advised that they have no objection to the closure and sale. Integral Energy and Telstra objected to the proposal, advising that they have assets located within the portion of road proposed to be closed. However, their objections will be lifted by the creation of an easement over the infrastructure. Sydney Water did not respond.

Agreement has been reached with the owner of the adjoining property on a purchase price for the land of \$9,500 (GST inc) which is above the amount contained in the valuation advice received from Council's consultant valuer, Mr R Aubin of Martin Morris & Jones Pty Ltd.

The proposed sale of the land has been tested against the seven criteria contained within the Draft Land Acquisition and Disposal Policy as follows:

1 Statutory Influences

The land affected by this proposal is public road and will require a road closure under the Roads Act 1993 to effect the sale.

2 Existing Usage

The subject land is currently road reserve and is not used by the public for either vehicular or pedestrian access.

3 Potential Future Use

Following the realignment of Hicks Road, this portion of land is no longer required for road purposes.

4 Spatial Distribution

This land is not required for any future public use.

5 Conservation Value

This site is cleared of any vegetation.

6 Site Constraints

The site is only constrained by services that will be protected by the granting of appropriate easements. Consultation with the service providers within this site has indicated they have no objection subject to the establishment of the appropriate easements.

7 Maintenance Issues

The site is grassed and is currently maintained by the adjoining landowner under Council's Footpath Mowing Policy.

The land is therefore considered suitable for sale upon closure.

**PROPOSAL**

The closure and sale of an area of approximately 68m<sup>2</sup> of public road adjoining N<sup>o</sup> 27 Mount Gilead Road, Thirroul to the adjoining owner.

It is proposed Council make an application to the Department of Lands to close the subject portion of public road as shown on Attachment 1. Upon closure, Council will transfer the land to the applicant subject to the following conditions:

- a The payment of \$9,500 (GST inc) as compensation.
- b The purchaser be responsible for all costs associated with the closure and sale.
- c Easements be created in favour of Integral Energy and Telstra.

## CONSULTATION AND COMMUNICATION

Manager Infrastructure – no objection.  
Manager City Planning – no objection.  
Manager Environmental Strategy & Planning – no objection.  
Manager City Works – no objection.

Service authorities were consulted. Jemena offered no objection. Integral Energy and Telstra offered no objection subject to the creation of easements over their assets.

Owners of Lot 3 DP 815261 N<sup>o</sup> 3 Hicks Road which adjoins the subject portion of road to the south – no response received.

The Department of Lands will advertise the road closure for public comment.

## PLANNING AND POLICY IMPACT

Recommendations in this report are in line with Council's policy on road closures.

## FINANCIAL IMPLICATIONS

The sum of \$9,500 (GST inc) has been negotiated for the sale of the land. All costs incurred in the closure and sale are to be borne by the purchaser.

## CONCLUSION

The subject portion of public road has been identified as being surplus to Council requirements and serves no practical or physical purpose in being retained as road.

Name	Position Title
<b>Author:</b>	
Rose Cronin	Statutory Property Officer
<b>Authorised by:</b>	
Peter Coyte	Manager Property & Recreation
Peter Kofod	Director Infrastructure & Works
David Farmer	General Manager

## ATTACHMENTS

1. Site plan





While every effort has been made to ensure the highest possible quality of data, no liability will be accepted for any inaccuracy of the information shown.  
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