

9.4 Realignment of Part of Henry Lawson Drive Home Rule

REPORT BY THE PROPERTY OFFICER
TO 21 SEPTEMBER 2022 ORDINARY MEETING
GOV400098, GOV400043, R4013001

RECOMMENDATION

That Council:

1. **receive the report by the Property Officer on the Realignment of Part of Henry Lawson Drive Home Rule be received;**
2. **note Council's previous report and resolution at its Ordinary Meeting on 17 June 2015 to consider the realignment of those sections of Henry Lawson Drive by the opening and dedication of a public road over allotments 1 and 2 (Plan "A") and to proceed with the formalisation procedures in relation to the closing of those parts of Henry Lawson Drive, being allotments 3 and 4, as cited in the report of 17 June 2015 and appended to this Report as Attachment 1;**
3. **note that there were no objections received during the notice period; and**
4. **authorises the closure of those parts of Henry Lawson Drive being allotments 3 and 4, as cited in the report of 17 June 2015 and appended to this Report as Attachment 1.**

Executive summary

The purpose of this Report is to notify Council that there were no objections to the realignment that was completed on Part of Henry Lawson Drive at the Home Rule Bridge over Cooyal Creek between 2004 and 2005.

Disclosure of Interest

Nil

Detailed report

At the 17 June 2015 Ordinary Meeting, Council received a report on a proposal to formalise the realignment of Part of Henry Lawson Drive Home Rule. The report is appended as Attachment 1.

Henry Lawson Drive was realigned between 2004 and 2005 where it crosses Cooyal Creek at the new Home Rule Bridge. Through negotiations with the affected property owner, the matter entailed Council formalising a road opening over parts of the property known as "Old Gulgong" in conjunction with the closure of sections of Henry Lawson Drive road reserve that were to be transferred to the affected property owner as part of the agreed compensation. The formal road closure and road dedication processes however, were not commenced at the time of the road realignment construction in 2004/2005.

Council resolved to formalise the realignment of those sections of Henry Lawson Drive by the opening and dedication of a public road over allotments 1 and 2 as cited in proposed plan "A" detailed in the 2015 Council Report (as attached) and; to proceed with the formalisation procedures in relation to the closing of those parts of Henry Lawson Drive, being allotments 3 and 4 as cited in proposed plan "A"; and authorised the General Manager and Mayor to sign all documentation, where

necessary, in relation to the proposed closure and subsequent transfer of the closed road to Council ownership.

The road closing process is governed by the Roads Act 1993 (s 38). Part of the process requires Council to advertise, for a period of 28 days, the intention to close a road to allow for any submissions and objections from the public to be received. Council is then required to consider all submissions and objections and take any action to resolve any objections.

Council advertised the intention to close the road in the Friday 20 May 2022 edition of the Mudgee Guardian. The proposal was also advertised on Council's website.

Notifications were sent to all notifiable authorities. No objections were received. Council will therefore proceed with formal closure of the road and the land, upon closure, will be transferred to the adjoining land owner in compensation for the area required for road opening.

Community Plan implications

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|--------------|---|
| Theme | Connecting Our Region |
| Goal | High quality road network that is safe and efficient |
| Strategy | Provide traffic management solutions that promote safer local roads and minimise traffic congestion |

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

The road closure process will be funded from current 2022/2023 Rural Sealed Roads Land Matters budget

Associated Risks

The road realignment was completed in 2004 to 2005 period. If the road realignment is not formalised, that part of a sealed Council road will remain within privately owned land.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

24 August 2022

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

Attachments: 1. 2015 Council Report on Realignment of Part of Henry Lawson Drive at Home Rule.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

1.1.1 Realignment of Part of Henry Lawson Drive Home Rule

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 JUNE 2015 COUNCIL MEETING
Realignment of Part Henry Lawson Drive Home Rule
GOV400043, R0790175

RECOMMENDATION

That:

1. the report by the Revenue & Property Manager on the Realignment of Part Henry Lawson Drive Home Rule be received;
2. Council agrees to proceed with the formalisation procedures in relation to the realignment of those sections of Henry Lawson Drive by the opening and dedication of a public road over allotments 1 and 2 as cited in proposed plan "A" appended to this Report and; to proceed with the formalisation procedures in relation to the closing of those parts of Henry Lawson Drive, being allotments 3 and 4 as cited in proposed plan "A" appended to this Report;
3. compensation to the landowner is to be in the form of a land exchange of allotments 3 and 4 in proposed plan "A", being the land forming those parts of Henry Lawson Drive to be closed for, allotments 1 & 2 of the proposed plan "A" being the lands required for the road opening and dedication;
4. the General Manager negotiate all terms of agreement with the landowners in relation to the land exchange compensation and any other matters that may arise during the road closure and opening process;
5. Council is to incur all costs in relation to the road closure, road opening and transfer of allotments 3 and 4 to the landowner, including any reasonable costs incurred by the landowner for legal costs and the transfer of allotments 3 and 4 to the landowner;
6. the General Manager and Mayor be authorised to sign all documents necessary in relation to the formalisation of the closure and realignment of that part of Henry Lawson Drive by way of road closure and opening, and all documents necessary to complete the transfer of allotments 3 and 4 to the landowner;
7. Council authorises the affixing of the Common Seal to all documents necessary in relation to the formalisation of the closure and realignment of that part of Henry Lawson Drive by way of road closure and opening, and all documents necessary to complete the transfer of allotments 3 and 4 to the landowner.

Executive summary

The purpose of this report is to seek Council's approval to formalise the road realignment that was completed along Henry Lawson Drive at the Home Rule Bridge over Cooyal Creek between 2004 and 2005.

Detailed report

Henry Lawson Drive was realigned between 2004 and 2005 where it crosses Cooyal Creek at the new Home Rule Bridge. Through negotiations with the affected property owner, the matter entailed Council formalising a road opening over parts of the property known as "Old Gulgong" in conjunction with the closure of sections of Henry Lawson Drive road reserve that were to be transferred to the affected property owner as part of the agreed compensation. The formal road closure and road dedication processes however, were not commenced at the time of the road realignment construction in 2004/2005.

A survey plan has now been prepared to facilitate the road closure and road opening, and to enable the subsequent transfer of the sections of land pertaining to the road closure to the owner of "Old Gulgong".

Attachment 1 to this Report details proposed plan "A", citing allotments 1 and 2 as being required for the realignment of Henry Lawson Drive. These allotments will be dedicated as public road upon the registration of the plan. Allotments 3 and 4 comprise those parts of the former Henry Lawson Drive that are to be acquired by Council upon finalisation of formal closure and then transferred to the affected landowner as compensation for allotments 1 and 2.

Should Council consent to the road closure application, the matter will be progressed through the formal process of road closure as stipulated by the Roads Act. The ultimate decision however, to close that part of the road reserve will be made by NSW Trade & Investment – Crown Lands after a public process, where the proposed road closure will be advertised publically.

The road closing processes that are to be progressed by Council are expected to take between 16-20 weeks to complete. Once Council has lodged the road closure application with NSW Trade & Investment – Crown Lands, it may take up to 12 months for the Crown to process and finalise.

Section 38(2)(b) and (c) Roads Act 1993 stipulates the circumstances upon which the land, upon closure of a road, is to vest in either Council or the Crown. Henry Lawson Drive is a formed road that has had value added to it by Council over many years and as such, it is anticipated that the land, upon the closure of that part of the road will vest in Council.

The procedural road opening process is expected to take between 16-20 weeks to complete.

Financial and Operational Plan implications

The procedural road closing and road opening costs and the legal costs associated with the transfer of the relevant allotments to the landowner will amount to approximately \$4,000. This amount will be funded from the current 2014/2015 Rural Sealed Roads Land Matters budget.

Community Plan implications

This report meets Community Plan Theme 4 Connecting Our Region:

Goal 4.1: High Quality road network that is safe and efficient

Strategy 4.1.1: Provide traffic management solutions that promote safer local roads and minimise traffic congestion

DIANE SAWYERS
REVENUE & PROPERTY MANAGER


CLARE PHELAN
DIRECTOR, CORPORATE

26 May 2015

- Attachments:*
1. Proposed plan "A" – road closure and opening
 2. Plan overview - road closure and opening

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a large, stylized letter 'B' followed by a horizontal line extending to the right.

BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

WARNING: GREASING OR FOLDING WILL LEAD TO REJECTION

Proposed Plan "A"

Sheet 2 of 2 sheets

| SCHEDULE OF PERMANENT MARKS | | | | |
|-----------------------------|-------------|---------------|-------|---------|
| MARK | EASTING | NORTHING | CLASS | REMARKS |
| PM 85992 | 746 545.436 | 6 410 375.975 | B | 2 |
| PM 85993 | 746 322.245 | 6 410 318.385 | B | 2 |



ATTACHMENT 2

