

9.7 Proposed Partial Road Closure at Saleyards Lane

REPORT BY THE PROPERTY OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100605

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Proposed Partial Road Closure at Saleyards Lane in Mudgee;
2. consent to the Proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 2 appended to this report;
3. give notice pursuant to s38B *Roads Act 1993*, of the Proposal to Close the Council Public Road as indicated in Attachment 2 appended to this report;
4. receive a further report after the notice period has ceased to:
 - 4.1 consider any submissions received; and
 - 4.2 pursuant to s38D *Roads Act 1993*, determine whether the Council Public Road is to be closed;
5. authorise the General Manager to sign all documentation where necessary in relation to the Proposed Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
6. authorise the Mayor to sign all documentation where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
7. arrange the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the Proposed Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP 1267151.

Executive summary

This Report seeks to secure a resolution for the proposed closure of part of a Council Public Road pursuant to the *Roads Act 1993* (the Act).

Council is seeking approval to close a Council Public Road adjoining Council-owned land being Lot 29 DP 1267151 and Lot 2 DP 510997 as indicated on Attachment 2.

The road is under Council authority and has been previously maintained for the purposes of Section 38E (2)(a) of the Act. Upon closure, this road will be retained by Council and consolidated with adjoining Council-owned land.

Disclosure of Interest

Nil

Detailed report

The Road for partial closure is approximately 166m² and is located within Saleyards Lane at Mudgee. The Road Status investigation, appended to this report as Attachment 3 and 4, indicates that the road in question is a Council Public Road pursuant to s7(4) of the Act.

Upon closure, the road will vest in the ownership of Council pursuant to s38E (2) (a) of the Act. After vesting, Council intends to retain this parcel of land for consolidation with adjacent Council-owned land, specifically Lot 2 DP510997, Lot 30 DP1267151, and part Lot 29 DP1267151 as shown in Attachment 5.

The proposed closure of this road segment is crucial for meeting planning regulations and development requirements for the proposed expansion of Lady Gowrie Preschool in the future. Lady Gowrie Preschool is located on Lot 30 DP 1267151 and under lease with Council. A further report will be presented to Council, seeking approval for the proposed development once ongoing assessment and examinations surrounding the proposal have concluded.

This partial road closure will not alter access to any property, as all affected properties maintain legal, formed access.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

Cost of registration and legals is anticipated to be within existing budgets.

Associated Risks

If the Council Public Road is not closed, the proposed expansion of the Lady Gowrie Preschool may be jeopardised due to no other available land surrounding the centre. This land is crucial for meeting development requirements and approvals for the development to proceed.

LEIGH CUSHWAY
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 December 2023

- Attachments:*
1. Response from NSW Planning & Environment - Crown Lands - 30 Nov 2023.
 2. Map Showing Partial Road Closure at Saleyards Lane Mudgee.
 3. Gazettal of Saleyards Lane - Lot 1 DP1216569 as public road.
 4. Survey to show area of public road being lot 1 DP 1216569.
 5. Map to show total area of lot consolidation.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Department of Planning and Environment

PO Box 2215, DANGAR NSW 2309
Phone: 1300 886 235 | Fax: 02 4925 3517
roads@crowland.nsw.gov.au
www.crowland.nsw.gov.au

30/11/2023

Mid-Western Regional Council
Attn: Diane Sawyers

Via email: Council@midwestern.nsw.gov.au

Road: Part Saleyards Lane, Mudgee adjoining Lot 2 DP 510997
Your ref: LC ROA100605 | **Our ref:** 19/00376#13 - 13489

RE: Mid-Western Regional Council – Notification of proposal to close council public road

Dear Diane

Thank you for providing notice of the proposal to close a council public road.

NSW Department of Planning & Environment – Crown Lands (the department) does not object to:

- the closure of the council public road
- the proposed vesting upon closure.

General enquiries about this submission may be directed to the Crown Lands Business Centre at council.roadclosures@crowland.nsw.gov.au.

Kind regards

A handwritten signature in black ink, appearing to read "Amanda Walker".

Amanda Walker
Senior Business Centre Officer
NSW Department of Planning & Environment – Crown Lands

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Important Notice!
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Date: 22/01/2024

Map Scale: 1:273 at A4

part Saleyards Lane road closure

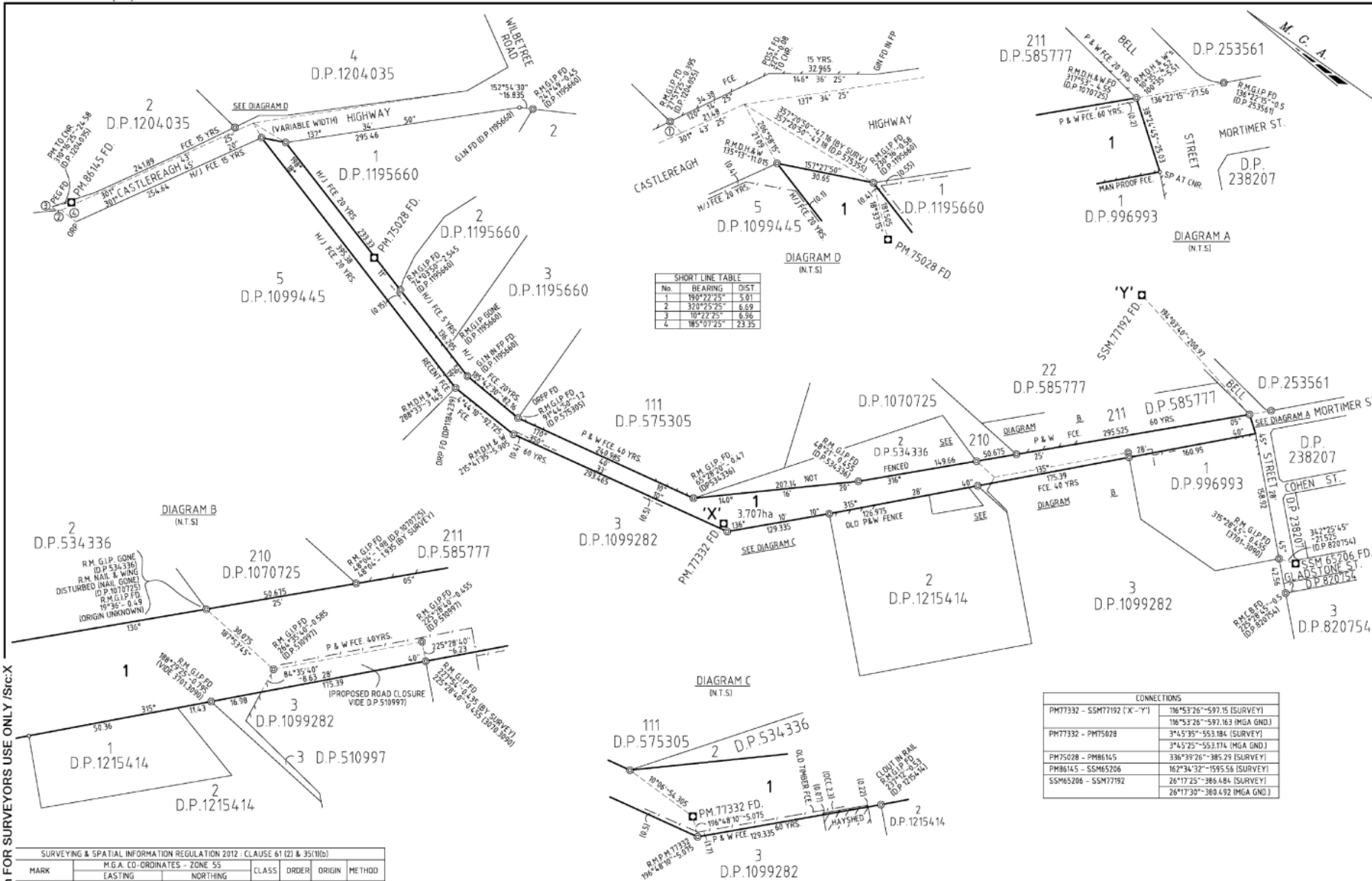
PLAN FORM 2 (A2)

DP1216569

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

ePlan

SHEET 1 OF 1 SHEETS



SHORT LINE TABLE

No.	BEARING	DIST
1	180°22'29"	5.01
2	320°25'25"	6.69
3	10°22'25"	6.96
4	185°07'25"	23.35

CONNECTIONS

PM77332 - SSM71192 ('X'-'Y')	106°53'26"-597.15 (SURVEY)
PM77332 - PM75028	106°53'26"-597.163 (MGA GND)
PM77332 - PM75028	374°5'25"-553.184 (SURVEY)
PM75028 - PM86145	374°5'25"-553.174 (MGA GND)
PM75028 - PM86145	336°39'26"-385.29 (SURVEY)
PM86145 - SSM65206	162°34'32"-1595.56 (SURVEY)
SSM65206 - SSM71192	26°17'25"-386.484 (SURVEY)
SSM65206 - SSM71192	26°17'30"-380.452 (MGA GND)

SURVEYING & SPATIAL INFORMATION REGULATION 2012, CLAUSE 61 (2) & 35 (1)(b)

MARK	M.G.A. CO-ORDINATES - ZONE 55		CLASS	ORDER	ORIGIN	METHOD
	EASTING	NORTHING				
PM77332	740 785.613	6 392 185.071	C	3	SCIMS	-
SSM71192	741 318.336	6 391 914.915	C	3	SCIMS	-
SSM65206	741 147.102	6 391 569.321	C	3	SCIMS	-
PM75028	740 821.877	6 392 737.326	C	3	SCIMS	-
PM86145	740 669.19	6 393 091.04	C	3	SURVEY	GNSS

COMBINED SCALE AND SEA LEVEL CORRECTION - 1.000244

SOURCE: M.G.A. CO-ORDINATES ADOPTED FROM S.C.I.M.S. AS AT 11th DEC. 2015

Surveyor: JASON WILLIAM LANDERS Date of Survey: 11TH DECEMBER 2015 Surveyor's Reference: 5222	PLAN OF PROPOSED ACQUISITION OF PART OF BK.23 NO.249	LGA: MID-WESTERN REGIONAL Locality: MUDGEE Subdivision No: Lengths are in metres. Reduction Ratio 1:3000	Registered 26.2.2016	DP1216569
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Req:R274208 /Doc:DP 1216569 P /Rev:01-Mar-2016 /Sis:SC.OK /Pgs:ALL /Prt:02-Mar-2016 04:30 /Seq:1 of 3
 Ref:ip:plan-eplan FOR SURVEYORS USE ONLY /Src:X

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Map Scale: 1:666 at A4

Lot consolidation