

9.6 Proposed Partial Road Closure at Lewis Street, Mudgee

REPORT BY THE PROPERTY OFFICER
TO 20 MARCH 2024 ORDINARY MEETING
GOV400105, ROA100595 PAN360707

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Proposed Partial Road Closure at Lewis Street, Mudgee;
2. consent to the proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 1 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 1 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 Partial Road closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
6. authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with adjoining Council owned land being Lot 404 DP756894;
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 404 DP756894.

Executive summary

This Report seeks to secure a resolution to consider the closure of a portion of Lewis Street, a public road (the Road), due to the clubhouse at Cahill Park, owned by the Council, partially encroaching upon the road reserve.

This Report also seeks to secure a resolution for progression of the proposed part closure of the Road pursuant to *Part 4 Division 3 Roads Act 1993* (the Act). The proposed road closure area is appended as Attachment 1 to this Report.

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 being Lot 404 DP756894.

Disclosure of Interest

Nil

Detailed report

It is proposed that closing the Road and consolidating the resultant land parcel with the Cahill Park site, being Lot 404 DP756894 will resolve the anomaly and will allow Council to manage the site more effectively.

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

Road status investigations indicate that the Road proposed to be closed is a Council public road pursuant to s7(4) of the Act. The Road has evidence of construction/value added works. Accordingly, the land upon closure of the road will vest in Council pursuant to s38E (2)(a) of the Act.

Details regarding the status of the Road, as published in the Government Gazette, are provided in Attachment 2 of this report.

The proposed Road closure will be progressed in accordance with relevant legislative provisions.

It is recommended that Council proceed with the proposal to close the Road, which entails public notification of the proposal and consultation with various government and other relevant authorities.

Following the expiration of the notice period, a subsequent report will be submitted to the Council to review any received submissions and to make a final determination regarding the closure of the road, pending the outcomes of the submission review process.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks associated with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

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

Associated Risks

If the Road is not closed, Council buildings will remain on public road and future management, or development of the site will be impacted.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

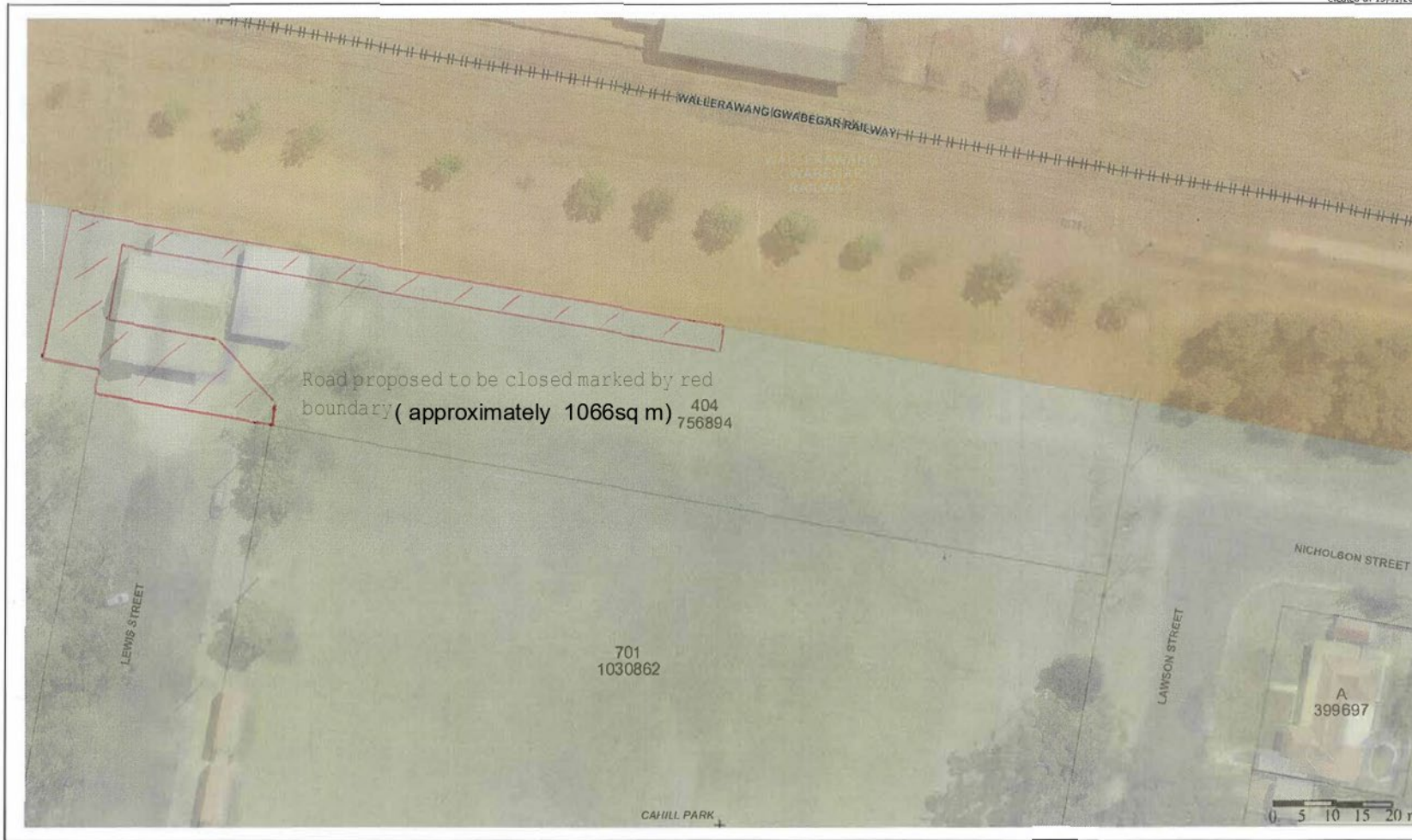
26 February 2024

Attachments: 1. Map showing Road Proposed to be closed, marked by red boundary.
2. Road Closure Gazette confirming Council Road Ownership.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Created on 13/11/2023



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Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Date: 13/11/2023

Map Scale: 1:877 at A4

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon. Stephen Kamper MP
Minister for Lands and Property

SCHEDULE 1

Parish: Mudgee
County: Wellington
Land District: Mudgee
LGA: Mid-Western Regional Council

DESCRIPTION: Crown Road East of Lot 20 DP 1262637 and North of Lot 404 DP 756894 approx. 7081m², as shown in red outline on the diagram below.
Classified Urban.

SCHEDULE 2

Roads Authority: Mid-Western Regional Council
DPE Ref: 23/05134

