

COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE & RISK

12.1 Proposed Closure of Unformed Council Public Road Adjacent to 7-11 Burgess Street Bundanoon

Reference: PN279500
Report Author: Property & Projects Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to obtain approval to apply to the New South Wales Department of Industry – Lands to close a segment of an unformed Council public road which adjoins Council property. The Council property is known as Burgess Park, being 7-11 Burgess Street, Bundanoon.

The property includes an area leased exclusively to Big Fat Smile Group Limited for the Bundanoon District Preschool. Bundanoon Men's Shed Incorporated, Highland Gathering and Bundanoon Community Association Incorporated hold a joint Licence Agreement with Council for another part of the Council property, which is adjacent to the segment of unformed road the subject of this report. Bundanoon Community Association Incorporated has initiated the request that Council consider the closure of part of the unformed road so that may extend its own operations and activities.

RECOMMENDATION

1. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.
2. **THAT** following public notice of the proposed closure, Council make application to Department of Industry - Lands for the closure of the segment of unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.
3. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the proposed closure of the segment of unformed Council public Road adjacent to 7-11 Burgess Street, Bundanoon.
4. **THAT** upon closure of the unformed segment of road, the newly created lot will vest in Council as Community Land.



REPORT

BACKGROUND

The subject unformed Council public road is not named. The unformed road was dedicated as public road in 1876. The area of the road the subject of this report is highlighted in the aerial map annexed to this report – **Attachment 1**.

The whole of the Council property adjoining the subject section of unformed road is known as Burgess Park, 7-11 Burgess Street, Bundanoon. The Council property includes an area leased exclusively to Big Fat Smile Group Limited for the Bundanoon District Preschool. Bundanoon Men's Shed Incorporated, Highland Gathering and Bundanoon Community Association Incorporated hold a joint Licence Agreement with Council for another part of the Council property.

REPORT

Bundanoon Community Association Incorporated has requested that Council consider the closure of the unformed road. If Council makes application for closure of the segment of road and it is approved by the Crown, this would enable the Bundanoon Community Association to:

- enter into a Licence Agreement with Council for the use of the newly created lot;
- make application to Council as consent authority for approval to erect a storage facility on site, effectively enabling the organisation to extend its operations onto the Council property.

The segment of unformed road which is the subject of this report adjoins the area of property under joint licence to the 3 community organisations. It is recommended that Council make application for the closure of part of the unformed road. If the application is approved by the Crown, the newly created lot will vest in Council as Community Land pursuant to Section 38(2)(b) of the *Roads Act 1993*.

Once the land is vested in Council, Council can then negotiate to enter into a Licence Agreement with the Bundanoon Community Association for the use of the land. This will be the subject of a future Council report following the closure of the road. The proposed Licence Agreement would be subject to the usual public notice and exhibition as required under the *Local Government Act 1993*.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

CONSULTATION

Community Engagement

Public notice of the intention to close the unformed road adjacent to 7-11 Burgess Street, Bundanoon will be advertised for a minimum twenty eight (28) days, following Council endorsement.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 April 2017

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK



Internal Consultation

Relevant Group Managers, Managers and Council officers

External Consultation

Bundanoon Community Association Inc.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

All requests for road closures must be reported to Council and the application to the Crown endorsed.

COUNCIL BUDGET IMPLICATIONS

Council, as the applicant, would be responsible for the payment of all fees and charges in relation to the process to close the road. Fees will include an initial application fee to the Crown for road closure being \$477, along with surveying and registration fees (estimated to be approximately \$5,500). These costs will be funded through the Property Development Reserve

RELATED COUNCIL POLICY

None identified.

CONCLUSION

It is recommended that Council support the proposal and that an application for road closure be approved for submission to the Department of Industry – Lands, following the statutory advertising period.

ATTACHMENTS

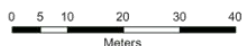
1. Aerial Map

12.1 Proposed Closure of Unformed Council Public Road Adjacent to
7-11 Burgess Street Bundanoon

ATTACHMENT 1 Aerial Map



ATTACHMENT 1



Wingecarribee Shire Council

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