

## ITEM 23 PROPOSED DEDICATION OF DOMVILLE ROAD, OTFORD AS PUBLIC ROAD

Deposited Plan 4591 was drawn and registered in 1905, which created Domville Road. However, the road was never dedicated and remains in the name of Thomas Saywell who died in 1928.

In order to clarify its status, it is proposed to dedicate Domville Road as public road.

### RECOMMENDATION

In accordance with Section 16 of the Roads Act 1993, Council approve the dedication of Domville Road, Otford as public road, as shown hatched on the attachment to this report, and action be taken to dedicate the road by the placement of a notice in the NSW Government Gazette.

### REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation

Authorised by: Kerry Hunt, Director Community Services - Creative and Engaged City (Acting)

### ATTACHMENTS

- 1 Map of Domville Road, Otford proposed to be dedicated as public road

### BACKGROUND

Council has obtained historical search information which shows that Domville Road, Otford was created in DP 4591 which was registered in 1905. However, the ownership of the road remains in the name of Thomas Saywell who died in 1928 leaving the road in uncertain ownership.

Before 1919 any land set aside for the purposes of a road in a deposited plan, if it was not dedicated as public road in the NSW Government Gazette, then it remains as land and not public road.

Domville Road may be deemed to be public road under Common Law by virtue of the following criteria:

- There was an intention by the subdivider that it be public road.
- There is use and acceptance of the road by the public.
- Council has expended funds on the construction and maintenance of the road.

However, to confirm its status as public road it is proposed to dedicate Domville Road by publication of a notice in the Government Gazette.

A notice was placed in the Wollongong Advertiser on 6 September 2017 advising of Council's intention to dedicate Domville Road as public road and calling for public submissions. No submissions were received.

### PROPOSAL

In order to clarify the status of Domville Road and formalise its use by the public, it is proposed that a notice be published in the NSW Government Gazette, in accordance with Section 16 of the Roads Act 1993, to dedicate the road as public road.

### CONSULTATION AND COMMUNICATION

The relevant sections within Council were consulted on the proposal and no objections were received. A notice of the proposed dedication also appeared in the Wollongong Advertiser on 6 September 2017 allowing 28 days for comments. No submissions were received.

### PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2017-18.

### FINANCIAL IMPLICATIONS

The only cost that will be incurred by Council in this matter is for the publication of a notice in the NSW Government Gazette for which funds are available within the current budget. Council is already responsible for the maintenance of the road.

### CONCLUSION

In order to clarify the status of Domville Road and formalise its use by the public, it is recommended that the proposed dedication of the road be approved.

