

ITEM 13 PROPOSED ROAD CLOSURE AND SALE OF PART CANTERBURY ROAD, KEMBLA GRANGE, AND PROPOSED SALE OF LOT 1 DP 329804

This report is submitted to obtain Council’s authority to the partial closure of a portion of public road (Subject Road) being the eastern portion of Canterbury Road, Kemplla Grange and to subsequently sell that closed Subject Road to an adjoining property owner, being the owner of Lot 22 DP 1070953.

This report also seeks Council’s authority to dispose of Lot 1 DP 329804, being a land parcel adjoining the Subject Road, to the same adjoining property owner of Lot 22 DP 1070953.

RECOMMENDATION

- 1 Council closes the eastern portion of Public Road, being Canterbury Road, Kemplla Grange (as shown shaded yellow in Attachment 1), (Subject Road) and upon closure the land vested to Council as Operational Land pursuant to the *Local Government Act 1993*.
- 2 The partial closure of the Subject Road be conditional on the grant of easements to Wollongong City Council for drainage, Jemena Gas for gas supply, and Endeavour Energy for electricity supply, subject to final survey and associated Section 88B Instrument.
- 3 Council authorises the sale of the Subject Road to the owner of Lot 22 DP 1070953.
- 4 Council authorises the sale of Lot 1 DP 329804 (Subject Site) to the owner of Lot 22 DP 1070953.
- 5 The General Manager be authorised to approve the negotiations and the final sale price in relation to the disposal of the closed portions of Subject Road and the Subject Site and the owner of Lot 22 DP 1070953 be responsible for all costs associated with the road closure and sale of the Subject Road and Subject Site.
- 6 The Lord Mayor and General Manager be granted authority to affix the Common Seal of Council to any documentation required to give effect to this resolution and the General Manager be granted authority to sign any documentation necessary to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Roisin OSullivan, Manager Commercial Operations + Property
 Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Map for closure and sale of Subject Road
- 2 Map for sale of Subject Site

ACRONYMS USED IN REPORT

Abbreviation	Meaning
M1	M1 Princes Motorway

BACKGROUND

The subject road is located at the end of Canterbury Road, Kemplla Grange. Historically, Canterbury Road was used to connect Unanderra to Berkeley, meeting with Northcliffe Drive and Hooka Creek Road prior to the construction of the M1. The M1 ran through Canterbury Road and disconnected it from Berkeley. As such, the disconnected part of Canterbury Road (on the eastern side of the M1) was closed to allow for residential developments in Berkeley in the 1970s. Canterbury Road now ends with a steep, heavily vegetated, and unprotected drop off onto the M1.

The remaining western portion of Canterbury Road has been retained by Council and is currently used as access to commercial land and businesses in Kemplla Grange. However, the eastern end of the Canterbury Road has been fenced off for many years to prevent illegal dumping near Total Civil Recyclers. That portion of road has been unused since construction of the M1, was not included in road upgrade works completed in 2006, remaining as a gravel road without curb and gutter, and locked up

preventing access since at least 2018. The subject road no longer links across to the east side of the M1 and has been deemed redundant.

The subject road is currently maintained by the owner of Lot 22 DP 107095 (being the adjoining property to the north), and it is proposed that Council sell the subject road once it has been formally closed, to that property owner as a best-case land use for the closed road. The owner of Lot 22 DP 1070953 lodged a Road Closure Application with Council and has paid the relevant Council fee.

The subject road, once closed, will form a lot of approximately 6,923 square metres (subject to final survey).

The power to close public roads is vested in Council as the relevant Roads Authority under the *Roads Act 1993*. Pursuant to the *Local Government (Amending) Act 1908*, all portions of Subject Road are deemed to be Council Public Roads.

Statutory notification of the proposed road closure was conducted on 21 December 2024 as required under Section 38B of the *Roads Act 1993 (NSW)*. This includes notification in the Illawarra Mercury, publication on Council's website, and communication with all adjoining owners and Government notifiable authorities.

A total of eight submissions were received, three without objection, one from an adjoining property owner clarifying the area of road to be closed, and four from notifiable authorities. The only objections to the road closure were received from notifiable authorities and are to be overcome by the granting of easement and placing of restrictions, ie easements to Jemena Gas and Endeavour Energy for gas and electricity supply respectively, and restriction of access from the Subject Road to the M1 in favour of Transport for NSW.

The subject road contains Council drainage infrastructure and an easement facilitating use and access to that infrastructure will be created on the registration of the road closure plan to be prepared by the owner of Lot 22 DP 1070953.

The subject site has been deemed excess to Council's operational requirements as part of a land rationalisation process. It is Operational Land and zoned E4. It is an irregular shape and not suitable for sale on the open market. Council previously resolved to the sale of the subject site in 2013. The subject site currently makes up part of the parking lot for Hansen & Cole Funerals and is separated from the subject road by a large fence. The subject site is currently informally maintained by Hansen & Cole Funerals; however, it is not used and does not provide any benefit to their car park. Hansen & Cole Funerals were notified of the proposed road closure and invited to purchase the subject site, as set out in the Confidential Attachment provide under separate cover.

It is proposed that the subject road and site be sold in conjunction with one another and to the same purchaser to achieve positive land use outcome and avoid any potential landlocking and ensuring consistent property boundaries.

In line with Council's Land and Easement Acquisition and Disposal Policy, the subject site was not suitable for sale on the open market, but only to adjoining owners given its size, shape, and nature.

Council obtained valuation reports from Walsh & Monaghan to assess the value of the subject road and subject site. A separate cover has been circulated to Council outlining the details within those reports.

Following negotiations with the adjoining landowner, an in-principal agreement has been reached as to the terms of the proposed partial road closure and sale of the subject road and the sale of the subject site, with all costs of those processes to be borne by the owner of Lot 22 DP 1070953.

PROPOSAL

It is proposed that Council authorise:

- (i) the closure and sale of the portion of unused Public Road being the eastern portion of Canterbury Road, Kembla Grange;
- (ii) the sale of Subject Road created on closure and vesting of the Subject Road to the owner of Lot 22 DP 1070953;
- (iii) the sale of Lot 1 DP 329804 to the owner of Lot 22 DP 1070953; and

(iv) the General Manager to approve the sale price of the Subject Road and Subject Site, in accordance with independent valuation advice.

CONSULTATION AND COMMUNICATION

Council Officers have consulted the following Council teams and divisions:

- City Strategy – Land Use Planning
- Environmental Planning – City Strategy
- Infrastructure Strategy + Planning – Civil Assets
- Infrastructure Strategy + Planning – Floodplain + Stormwater
- Infrastructure Strategy + Planning – Transport
- Geotech – Project Delivery
- Design & Technical Services – Project Delivery
- City Works – South Works
- City Strategy – Urban Release

Council has complied with all statutory procedural matters required under the *Roads Act 1993* (NSW).

Consultation with Crown Lands’ Road Closure Team confirmed no objections to the proposal and vesting of the land in Council upon closure.

Council obtained independent valuation advice from Walsh & Monaghan Valuers on the compensation payable for the subject site and the subject road.

PLANNING AND POLICY IMPACT

The road closure and disposal are in accordance with Council’s Road Closure Policy and Land and Easement Acquisition and Disposal Policy, respectively.

This report contributes to the delivery of Our Wollongong Our Future 2035 Goal 2 ‘We have well planned, connected, and liveable places’. It specifically delivers on the following:

Community Strategic Plan 2035	Delivery Program 2025-2029
Strategy	Service
2.1 Urban areas are planned and well maintained to provide a healthy and safe environment for our community to live, work and play.	Property Services
2.2 Facilitate ecologically sustainable development that considers the current and future needs of our community and environment.	

FINANCIAL IMPLICATIONS

In progressing the road closure, Council will generate revenue from the sale and ongoing rate revenue from the newly created lot, and the subject site that is currently in Council ownership. The compensation has been agreed between the parties and is in accordance with the independent valuations obtained by Council in accordance with the information circulated to Council under separate cover.

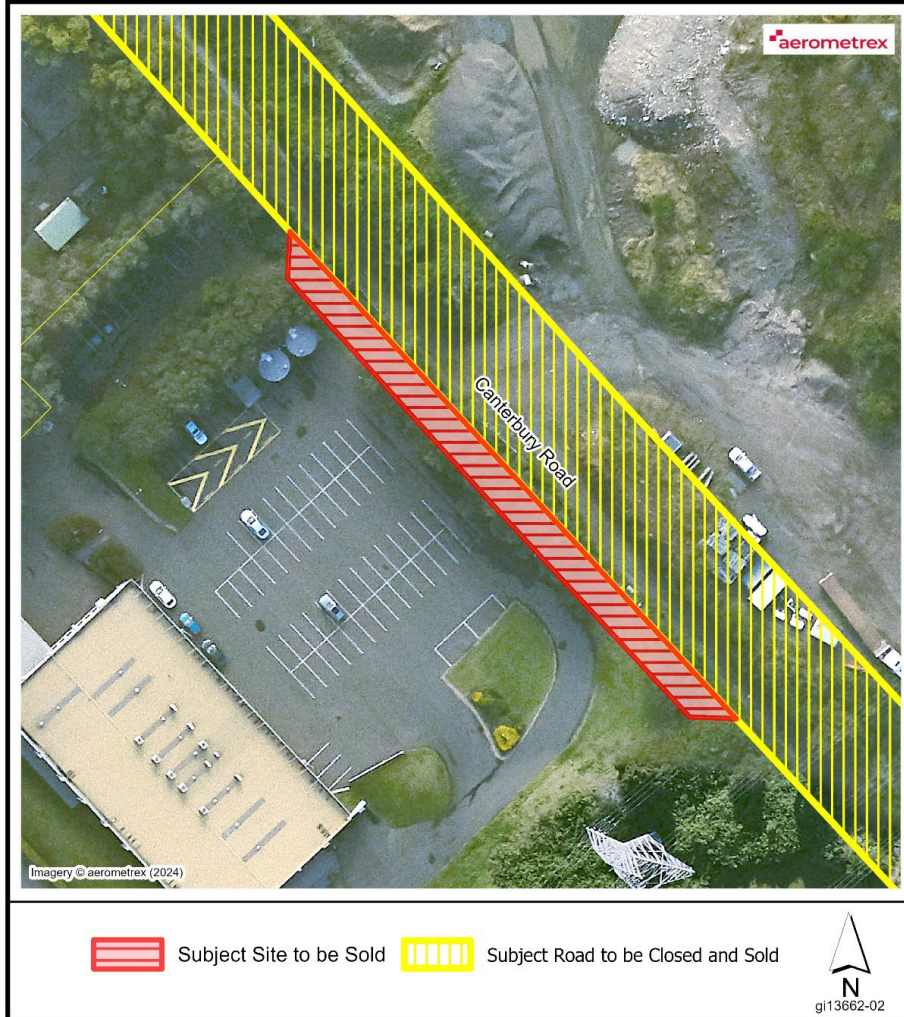
Council will also mitigate any risk associated with ownership of the subject road and subject site. The owner of Lot 22 DP 1070953 will be responsible for all costs associated with the road closure and sale.

CONCLUSION

It is recommended that Council resolve to the closure and sale of the subject road and the sale of the subject site in accordance with the reasons outlined in this report.



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