

ITEM 10 PROPOSED ROAD CLOSURE AND SALE OF DISUSED PUBLIC ROADS TRAVERSING 132 STAFF ROAD AT CORDEAUX HEIGHTS

This report is submitted to obtain Council's authority to the partial closure of portions of unformed 'paper' public roads (Subject Road) traversing Lot 1000 in DP 1315222 being 132 Staff Road at Cordeaux Heights (Subject Property) and to the subsequent sale of those closed portions of Subject Road to the adjoining property owner.

RECOMMENDATION

- 1 Council closes the portions of Public Road traversing Lot 1000 in DP 1315222 (as shown shaded yellow in Attachment 1) via a Staged Road Closure Process, and upon closure, the land vest to Council as Operational Land pursuant to the *Local Government Act 1993*.
- 2 The closure of those portions of Public Road be subject to the grant of an easement in favour of Endeavour Energy in respect to the existing Electricity Transmission Line 45.72 wide, subject to final survey and associated Section 88B Instrument.
- 3 The General Manager be authorised to approve the negotiations and the final sale price in relation to the disposal of the closed portions of Road and the property owner be responsible for all costs associated with the road closure and sale.
- 4 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: Jenny Towers, Manager Commercial Operations + Property (Acting)
 Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Proposed Road Closure Plan

ACRONYMS USED IN REPORT

Abbreviation	Meaning
DA	Development Application
NSW LEC	NSW Land and Environment Court
PP-2015/3	Planning Proposal No.2015/3

BACKGROUND

The Subject Property is located at the end of Staff Road at Cordeaux Heights, within the foothills of the Illawarra Escarpment and specifically Mount Kembla.

In 2017, Council endorsed PP-2015/3 that resulted in changes to the environmental zonings across the Subject Property, a reduction in minimum lot sizes, amendments to the floor space ratio as well as the establishment of a bio banking agreement over part of the Subject Property.

The applicant has proposed development of the Subject Property that generally reflects the Planning Proposal. On 23 November 2022, Stage 1 of the development (DA-2021/463) was determined by the NSW LEC. It comprises a 38-lot residential subdivision and associated works.

Stage 2 of the development (DA-2023/769) is currently the subject of proceedings in the NSW LEC. The proceedings are scheduled for hearing on 30-31 October 2025. The Stage 2 development proposes a further subdivision of the Subject Property into 43 residential lots with associated works. The closure (and subsequent sale) of the relevant portions of Subject Road – if approved by Council – will resolve several of the outstanding contentions in the proceedings currently before the NSW LEC.

The Subject Property is traversed by several paper roads and various easements. Due to the topography and geotechnical constraints of the site, the physical roads approved as part of the Stage 1 development (DA-2021/463) and proposed as part of the Stage 2 development (DA-2023/769), cannot be constructed within the 'paper' public road alignments. For this reason, the applicant has requested that Council close those portions of (unused) Subject Road for the purpose of enabling both the Stage 1 and Stage 2 developments to be realised. The closed portions of Subject Road will ultimately be incorporated within the proposed residential lots.

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.

If Council approves the closure (and subsequent sale) of the portions of Subject Road, the proposal will be progressed via a staged closure process (Staged Closure), to ensure continuity of the road network.

Statutory notification of the proposed road closure was conducted on 5 May 2025 as required under Section 38B of the *Roads Act 1993*. A total of 10 submissions were received, all from notifiable authorities. Endeavour Energy Network Property (Endeavour Energy) indicated it would require an easement over its existing Electricity Transmission Line 45.72 wide within the site of the proposed road closure area. No submissions were received from adjoining property owners.

In line with Council's Land and Easement Acquisition and Disposal Policy, a valuation report was obtained from Herron Todd White to assess the value of the portions of Subject Road to be closed. Details of the sale price (compensation payable) have been circulated to Council under separate cover.

Following negotiations with the adjoining landowner, an in-principle agreement has been reached as to the proposed terms of the proposed partial road closure and sale. All costs associated with the partial road closure and sale will be borne by the applicant.

PROPOSAL

It is proposed that Council authorise:

- (i) the closure and sale of those portions of unused Public Road traversing Lot 1000 in DP 1315222;
- (ii) the closures and sale to be progressed as a staged closure process to ensure continuity of the road network; and
- (iii) the General Manager to approve the sale price subject to independent valuation advice and/or a valuer's agreement.

CONSULTATION AND COMMUNICATION

Council Officers have consulted and communicated both internally and externally in accordance with the statutory procedural matters required under the *Roads Act 1993*.

- Independent valuation advice from Herron Todd White
- City Wide Development – Development Assessment Certification
- Land Use Planning – City Strategy
- Environmental Planning – City Strategy
- Open Space + Environmental Services Division
- Civil Assets – Infrastructure Strategy + Planning
- Floodplain + Stormwater - Infrastructure Strategy + Planning
- Transport + Infrastructure Planning – Infrastructure Strategy + Planning
- Geotech - Project Delivery
- Development Engineering – Development Assessment Certification
- Recreation Services – Sport and Recreation

- Commercial Operations + Property Division
- General Counsel – Legal Services.
- Bartier Perry Pty Limited

Council also statutorily notified the proposal in the Illawarra Mercury and Council's Website and consulted adjoining property owners. Ten (10) submissions were received by the closing date of 9 June 2025, all from notifiable authorities. No objecting submissions were received.

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

PLANNING AND POLICY IMPACT

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
2.4	Housing provides choice, affordability, and liveability for our diverse community.	

FINANCIAL IMPLICATIONS

In progressing the Road Closure, Council will generate revenue from the sale and ongoing rate revenue. The applicant will be responsible for all costs associated with the road closure and sale.

CONCLUSION

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

