

ITEM 7.1	PROPOSED ROAD CLOSURE AND SALE OF COUNCIL LAND - PART PATEY STREET, DEE WHY
REPORTING MANAGER	GROUP MANAGER BUILDINGS, PROPERTY AND SPATIAL INFORMATION
TRIM FILE REF	2012/392893
ATTACHMENTS	1 Location Plan of Subject Land 2 Plan of Proposed Right of Carriageway

EXECUTIVE SUMMARY

PURPOSE

To consider a proposal to close and sell a portion of road in Patey Street, Dee Why adjacent to Delmar Private Hospital.

SUMMARY

Patey Street, Dee Why is a cul-de-sac (no through road) off Delmar Parade, Dee Why. The subject land is approximately 307 metres squared and is part of the constructed road located at the cul-de-sac end of Patey Street adjacent to Delmar Private Hospital (DPH). DPH owns the land on the east, west and south of the subject land. The location of the subject land is shown in Attachment A of this report.

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, DPH has applied to Council to formally close and purchase this section of road. The purpose of the proposed acquisition is to improve the current situation at the rear of the hospital to provide enhanced landscaping, additional off-street car parking and facilitate a turning area for Council waste contractor's collection vehicles. Council will retain a Right of Carriageway over part of the subject land for the proposed vehicle turning area.

FINANCIAL IMPACT

In accordance with Section 43 of the Roads Act 1993, funds generated from the disposal of this surplus road reserve are required to be expended on either acquiring land for public roads or for carrying out work on public roads.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER COMMUNITY

That

- A. Council authorise an application to the Department of Primary Industries for road closure under the provisions of the Roads Act 1993 for the road identified in this report being part Patey Street, Dee Why adjacent to Delmar Private Hospital, subject to Council retaining a suitable Right of Carriageway over part of the subject land to enable Council and its authorised users to travel over the land.

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- B. Delegation be granted to the General Manager to authorise and execute any documentation required to facilitate any of the actions contained within this recommendation or Council authorise affixing its Seal to the documentation if required.
 - C. Should the road closure application referred to in item A of this recommendation be successful, Council, in accordance with its Disposal of Surplus Road Reserve Policy GOV-PL 820 and Property Acquisition and Disposal – (Negotiation on Purchase Price) Policy GOV – PL 810 proceed to dispose of the subject land.
 - D. The sale proceeds be used for expenditure on Council's road network.
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REPORT

BACKGROUND

Patey Street, Dee Why is a cul-de-sac (no through road) off Delmar Parade. The subject land is approximately 307 metres squared and is part of the constructed road located at the cul-de-sac end of Patey Street adjacent to Delmar Private Hospital (DPH). DPH owns the land on the east, west and south of the subject land. The location of the subject land is shown in Attachment A of this report.

The zoning of the subject land is R2 Low Density Residential within the Warringah Local Environmental Plan 2011 (WLEP 2011). This zoning is consistent with the adjoining land zoning including Delmar Private Hospital.

In accordance with Council's Surplus Road Reserve Disposal Policy – GOV PL 820 (the Policy) and the Roads Act 1993, DPH has applied to Council to formally close and purchase this section of road.

DPH has requested the proposed acquisition of the subject land to improve the current situation at the rear of the hospital by:

- Providing additional curtilage to the rear of the hospital.
- Rationalising the Patey Street boundary.
- Providing additional off-street car parking and facilitating a turning area for Council waste collection vehicles (Council's waste contractor).
- Providing enhanced landscaping within the property boundaries to soften and screen the rear of the hospital and provide improved streetscape.
- Enabling measures to be put in place to prevent the hospital driveway from being used as a short-cut thoroughfare by the public between Patey Street and Quirk Street.

In addition to the above improvements, DPH believes the road closure and purchase proposal is justified as the subject land is entirely surrounded by land owned by DPH and as such, no longer serves to provide access to any other Patey Street property. Therefore, the proposal could proceed without compromising the use of Patey Street and without adversely impacting on the amenity of any adjoining residential property.

Additionally, DPH believes that the proposal will have minimal impact on existing utility services and infrastructure and will not result in the removal of any trees or natural landscape features.

As the subject land is not a marketable parcel, Council is able to consider the sale of this land to an adjoining owner in accordance with its Policy. Additionally, a requirement of the Policy is that any road that is closed and sold must be consolidated with the adjoining land owned by the purchaser.

Following Council's resolution regarding this matter, Council will need to apply to the NSW Department of Primary Industries - Crown Lands Division (Crown Lands) for the road closure and undertake the statutory notification of the proposal on its behalf in accordance with the Roads Act 1993. Council is also required to undertake stakeholder consultation with adjoining land owners and services authorities to resolve any potential objections.

Consultation

Consultation with the relevant Council Departments has been undertaken.

Council's Roads Traffic & Waste Group (RTW) supports the closure and sale of the identified section of road. The sale is subject to conditions which can be applied as part of the Development Application process for the proposed improvements of the area. These include civil works associated with the provision for turning vehicles, pedestrian access, adjustment to existing road, utility and driveway infrastructure as well as landscaping.

Public consultation will be undertaken as part of the road closure process in accordance with the Roads Act 1993.

Additionally, the proposed works will require a separate Development Application which involves public notification.

The applicant has previously lodged a Development Application DA2011/1576 for the proposed works which included the subject land. The applicant was requested by Council's Development Assessment Group to withdraw its Development Application pending the consideration of the applicant's road closure and purchase application with Council.

Proposed Right of Carriageway over the subject land

To satisfy the requirements of RTW, the proposal will include a Right of Carriageway over part of the subject land which will enable Council and its authorised users (which could include the public) to travel over that part of the land. This will enable Council's waste collection vehicles (Council's waste contractors) and the general public to use the Right of Carriageway as a turning area at the end of Patey Street.

A plan of the proposed Right of Carriageway is included as Attachment B to this report.

Proposed Sale of Land

Council has obtained independent valuation advice for the subject land. A copy of this valuation advice will be available at the Council meeting for perusal by the elected Council.

DPH has received a copy of the independent valuation advice and concurs with the assessment of value for the subject land. Consequently, DPH wishes to proceed with the proposed road closure and purchase of the subject land.