



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 September, 2005

DSDS4	PROPOSED ROAD ADJUSTMENTS FOR LOT 180 DP 752417 SANDSTOCK ROAD, SOUTH KEMPSEY FOR BORAL BRICKS FILE: S15-98-15 AJC
--------------	---

SUMMARY:

Reporting on a proposal by Boral Bricks Pty Ltd to close existing sections of dedicated public road at West End Road and Sandy Creek Road, South Kempsey.

◆◆◆◆

Applicant:	Boral Bricks Pty Ltd
Subject Property:	Lot 180 DP 752417 and parts of Sandy Creek Road and West End Road off South Street, South Kempsey.
Owner:	Boral Bricks Pty Ltd
Zone:	4(e) (Industrial (Extractive) "E" Zone)

Background

Council at its meeting of the 21 January 1997 resolved to support the rearrangement of the existing public roads, subject to Boral Bricks Pty Ltd meeting all associated costs.

An application under the Roads Act to carry out road construction activity was received on the 7 May 1998 and approved on the 17 December 1998.

Council also resolved to support the staging of the road rearrangement proposal. The matter was referred to the then Department of Land & Water Conservation on the 18 January 1999 and was advertised by the Department on the 26 March 1999.

On the 7 July 1999, following a written request from the Department, Council wrote to Boral Bricks Pty Ltd requesting that the applicant's Surveyor lodge a road-closing plan for registration.

Boral Pty Ltd failed to act in this matter and the Department had no choice but to refuse the road closing application on the 31 August 2001.

This office replied to Boral Bricks Consultant on the 12 May 2005 following enquiries concerning restarting the road closing process as originally approved by Council in 1999. The applicant was advised that as their original application had been refused for failure to register the road plan this matter would need to be referred back to Council for consideration.

Proposal

The proposal is as follows: -

Stage 1

- a. Construction of the new section of Sandy Creek Road in accordance with the Roads Act approval issued by Council in 1998; and
- b. That part of West End Road shown as Lot 1 on drawing 14329-04S is to be closed.

Stage 2

- a. Part lot 180 is to be dedicated as public road from Sandstock Road to West End Road. This road dedication was signed off by Council on the 17 December 1998; and
- b. That part of Sandy Creek and West End Roads shown as lot 2 on drawing 14329-04S is to be closed.

A plan showing the road rearrangement proposal is attached to this report [\(Appendix E\)](#).

Statutory Requirements

The applicant is seeking to proceed with Stage 1 construction and road closing only at this point in time. In order for this matter to proceed Council will need to make application to the Department in accordance with the provisions of the Roads Act 1993 to close a public road. Council will need to endorse this application and where necessary affix its seal. The applicant's consultant advises that

tenders are being let for the New Sandy Creek Road extension. It is important that Council not finalise the road closure in Stage 1 until the new Sandy Creek Road has been built.

In order to expedite Stage 2 which will follow at a later date it is recommended Council agree to submit a Road Closing Application when required, to be suitably endorsed and where necessary affix the Council seal. Again the new road construction associated with this stage is to be completed before the road closing is finalised.

In both instances all costs associated with the new road construction and road closing is to be met in full by the applicant.

REPORT IMPLICATIONS:

Environmental

The proposed development will not generate any significant adverse environmental impacts. Road construction will be subject to soil erosion control and dust suppression practices.

Social

There will be a social benefit from this development proposal, as it will provide an improved road network to service the industrial area.

Economic (Financial)

There will be economic benefits through continued and expanded use of the existing quarry and associated employment.

There will be no financial implications for Council arising from this development proposal, as all costs associated with this proposal will be met by the applicant.

RECOMMENDATION:

- A** That Council agree in principle to the road closing application and construction proposal for both Stages 1 and 2 as described in this report.

- B** That Council apply to close part West End Road (lot 1, stage 1, plan 14329-04S), and part Sandy Creek/West End Roads being Lot 2 in Stage 2 in accordance with the provisions of the Roads Act 1993 and where required

endorse and affix council's seal, subject to the following matters being satisfied: -

- i) Obtaining written agreement that all costs associated with this proposal will be met by the applicant; and
- ii) The Construction associated with Stage 1 New Sandy Creek Road and Stage 2 New Sandstock Road is to be completed prior to the proposed road closures taking effect.

.....
R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES