

2008.38**ROAD CLOSURES POLICY****1. PURPOSE**

To provide guidance for determining whether to permanently close a road.

2. SCOPE

This policy applies to any request for the permanent closure of any public or crown roads within the Moree Plains Shire Council area.

3. OBJECTIVE

- a) To define the requirements of Council with respect to applications to permanently close public roads in accordance with the NSW Roads Act 1993 and delegations to Council from the Roads and Traffic Authority via the Local Traffic Committee.

A permanent road closure may also result in the extinguishing of the public road reserve and subsequent sale of the land to adjoining land owners.

- b) To define the procedure for implementing permanent closures of public roads.


The term **Public Road** used in this policy is as defined by the NSW Roads Act 1993.

4. POLICY

- a) To protect the public interest, the closure of public roads is generally not supported.
- b) Council will base its deliberations on whether to close a road on the following criteria:

i. Access

- a. The road function is minor in nature, i.e. does not provide a through link, serves a sole or limited number of property holdings or is of insufficient width for practical upgrading;
- b. Alternative ***legal & practical*** access is available to all adjoining properties and any other property that gains access via that road reserve;
- c. No land-locked portions will be created, or if they are, access will be secured by:
- The creation of an alternative public road, or
 - amalgamation of titles, or
 - when no more than one portion is involved by the creation of a right of carriageway;

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- d. That no dwellings capable ***of being occupied*** are affected by the closure.
- e. That access shall be secured to known future identified development proposals that could include but not be limited to: rural residential, rural industry or road-making resources.

ii. Environmental

- a. Status of environmental values. i.e. native vegetation, threatened species, on the road ***reserve***. Where high values are present, protection may be best provided by not closing the road.

iii. Support

- a. Majority of directly affected landowners support the closure;
- b. All affected authorities, including emergency service and utility agencies have been consulted;
- c. The proposal supports sound planning principles for the area; including but not be limited to development relating to residential, commercial, industrial, economic and road-making resources.


iv. Other

- a. The demonstrated benefits and advantages to Council, the community and private interests for closing the road;
- b. Whether the road reserve will be required in the future by Council for another function, eg. drainage, revegetation offsets.
- c. Ownership and/or maintenance responsibilities are clearly defined; and
- d. Consideration of who will receive the proceeds from selling the closed road and where financial responsibility for its reopening or replacement will lie, should it be required in the future.

PERMANENT ROAD CLOSURE PROCEDURES

a) PUBLIC (COUNCIL) ROADS

- i. Permanent road closures may be requested by adjoining property owners for the purpose of acquiring the residue land.

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- ii. Road closures may also be proposed by Council as a means of managing traffic flow, improving local amenity or other such matters as deemed necessary by Council.
- iii. Applications for the closure of Public (Council) Roads are made by Council to the Department of Lands at full cost to the applicant. The Department of Lands will subsequently undertake the necessary road closure procedures such as advertising, gazetting of the closure, contacting affected property owners, service authorities etc.
- iv. A permanent road closure will only be granted if Council believes that the public road and/or public road reserve will not be required in the future or if it has become redundant for the purposes of a public road.
- v. The general procedure for the permanent closure of a Public (Council) Road, is as presented below. Particular requirements may only relate to a closure application by a person or organisation other than Moree Plains Shire Council.
- vi. Written application for a permanent road closure must be submitted to Council by the applicant for consideration by the Local Traffic Committee. Details of the affected road section, including the applicant's ownership details, should be provided at this stage.

Council will be responsible for reporting the matter to the Local Traffic Committee.

- vii. Upon "in principle" approval of the road closure by Council the applicant is notified that payment of the Road Closure Application Fee is required before a submission is made to the Department of Land and Water Conservation for a road closure.

Council will be responsible for reporting the matter to the Department of Lands.

- viii. Council arranges the valuation of the newly created Lot by the Valuer General's Office to determine the compensation payable to Council for sale of the land to the applicant.


The valuation fee will be at the full cost of the applicant.

- ix. Following notification by the Department of Lands that a road closure may proceed, the applicant will prepare a plan of subdivision to allow the affected road to become a new Lot within a new Deposited Plan.

Survey and plan preparation will be at the full cost of the applicant.

- x. The new Deposited Plan is to be registered with the Land Titles Office by the applicant. The newly formed Lot will not be granted a Building Right and the Council Property System will be notated to this effect.

Registration of the newly created Deposited Plan with the Land Titles Office will be at the full cost of the applicant.

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b) PUBLIC (CROWN) ROADS

- i. The closure of Public (Crown) Roads is a matter between the applicant and the Department of Lands.
- ii. The Department of Lands will contact Council seeking comment regarding the application to close a Crown Road.
- iii. Generally Council will only consent to closure if the road reserve subject to closure will not be granted a Building Right. Council's Property System will be notated to this effect upon advice by the Department of Lands that the Public (Crown) Road has been permanently closed.
- iv. Council may require other conditions to be imposed as appropriate to the particular situation.

POLICY TITLE: Road Closures Policy

File Reference No: 08-0397

Previous Reference: 1994 Policy Manual

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