

# ROAD CLOSURES & PRIVATE PURCHASE

TS370



**NARRANDERA SHIRE COUNCIL POLICY**

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## **POLICY NAME**



**Policy No: TS370**

**Policy Title: Road Closures and Private Purchase**

**Section Responsible: Infrastructure Services**

**Minute No:**

**Magiq File No: 456895**

**Next Review Date:**

**Responsible Officer: Roads Manager**

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### **Objective**

The objectives of this policy are to:

- Provide guidelines on assessing road closure applications for public roads within the Narrandera Shire
- Ensure that road reserves are managed such that community access and use of these road reserves is preserved.

### **Policy Statement**

Council as the Road Authority for Council public roads will administer road closure applications from owners of land which adjoin Council public roads.

### **Scope**

This policy applies to road closure applications for public roads made under the provisions of the Roads Act 1993.

This policy does not apply to road closure actions under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 wherein roads are closed and granted as compensation for acquisition.

### **Definitions**

**Road closure** - In this policy context refers to the change in the land title of land currently designated as "public road" (as distinct from the exclusion of vehicles from a public road under the Traffic Act). Closure may be full or partial width. Public roads are closed under the provisions of the Roads Act 1993.

**Public Road** - roads that are vested in fee simple in the Council of the relevant Local Government area. Council is the roads authority for public roads even if the roads were constructed and dedicated by Authorities such as Department of Housing, Public Works Department, Forestry Commission and National Parks and Wildlife Services.

**Classified Roads** - The proclaimed regional networks, which are vested in Council, requires Council and NSW Government Transport and Maritime Services approval for closure.

**Crown Public Roads** - Roads vested in the Crown with the Department of Lands being the statutory body granting approval for closures. Applications for the closure of Crown Public Roads are to be lodged directly with the Department of Lands. The Department will notify Council of any application and may uphold any valid objection by Council to its closure. Should a valid objection by Council be upheld by the Department of Lands Council will apply to transfer the road to Council's care and control.

**Temporary Roads** - May be closed provided that the action will not isolate another road or property.

## Content

### Principles for Closure of Public Roads

- Applications for the closure of a public road may only be received from the owners of land which adjoins the road. Applications in writing should be lodged with Council conforming to Councils Road Closure procedure.
- Applications for the closure of a Crown public road must be made directly through the Department of Primary Industries.
- Application fees are set out in Council's current Schedule of Fees and Charges. All costs are to be borne by the applicant unless the road closure is associated with some form of previously agreed compensation.
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- Fees received for applications which do not proceed to closure are non-refundable.
- Where a road separates different owners, the entitlement to purchase closed road is usually split between opposite owners on a negotiated basis.
- Written agreement to the closure of a road by a sole land owner, which separates 2 or more parcels of land, must be obtained from the relevant land owners by the applicant and accompany the application.
- Upon closure and purchase of the road reserve the newly created parcel must be consolidated with adjacent land parcels to enhance the useability of the land.
- In all cases the public may object in writing to any road closures with final

determination by Council.

- Council, when assessing a road closure application, will consider the existing and future requirements of the road reserve. The uses of the road reserve may include access to public or private land, provide access for infrastructure provision, vegetation or wildlife corridors.
- It should be realised that road reserves may have been created as a means of legal access only for land parcels where there with no consideration to the natural landscape. This means that the future use of these road reserves may be limited. Any new development areas are required to provide suitable access networks for the public.

## **Compensation**

Compensation from the closure of a constructed public road or classified road is payable to Council and can only be used for acquiring land for public road or carrying out works on public roads.

Compensation for the closure of a constructed public road or classified road will be at the market value as assessed by a Registered Valuer as determined at the commencement of a road closure application.

Compensation from the closure of an unconstructed public road or Crown Public road is payable to Department of Primary Industries.

## **Roads not eligible for closure**

Applications for closure and purchase of Council public roads and Crown public roads will not normally be considered in the following circumstances:

- Roads providing, or capable of providing physical access to rivers, creeks, lakes, beaches and their foreshores.
- Roads capable of providing physical access to other roads, public and private properties, public and Crown reserves, public utility installations, railways and the like. In the case of access to private properties closure will be considered if a suitable alternate road is dedicated as public road or if a right of carriageway is created over an existing road/track or new road/track to be created.
- Road reserves containing wildlife corridors, significant flora, marketable timber and scenic escarpments, or potentially useful for vehicle turning, public utilities, extractive industries or public open space.
- Road reserves containing public authority reticulation services unless the relevant authorities agree to their relocation or creation of easements.
- Road reserves that have the potential to provide corridors for future Council water, sewer or stormwater infrastructure.
- Roads whose future highest and best use for Council purposes is judged to be of more economic worth than the current land value.
- Roads that could potentially be developed for vehicle, cycle, pedestrian

or equestrian use as the Shire grows.

- Roads used for the movement of stock.
- Roads where a proposed closure would interrupt or cause a step in the continuous boundary line of private frontages abutting the road (relates to consistent building setbacks, boundary fencing, utility offsets, and cumulative impact of successive closures).
- Roads that could potentially be developed for the purposes of fire buffers or fire trails as the Shire grows.

### **Exceptions**

- Applications will be considered for closure of roads which are demonstrably redundant in terms of access if not otherwise ineligible.
- Applications will be considered for closing road reserves where the proponent is opening a more negotiable corridor serving the same access role.
- Terrain where topographical constraints argue strongly for a more logical boundary definition for the purposes of road verge maintenance, safety, fencing, or private property access.

### **Roles and Responsibilities**

Council's Roads Manger will make the initial assessment of a road closure application and where approval is recommended prepare a report to Council for it's consideration and consent by resolution.

Following a Council resolution to approve a road closure the closure process, subsequent issue of title and sale to adjoining owners will be administered by the Governance & Engagement Manager.

### **Related Legislation/Guidelines/Narrandera Policies and Associated Procedures**

- Procedure for Closure of Council Public Roads. Magiq 457423
- Guidelines for the Closure and Purchase of Council Public Roads Magiq 457418

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### **Policy History**

Endorsed by and date

Adopted by ELT 17 February 2020

Adopted by Council 21 April 2020

Reviewed type full date

Amended tba

*Authorised Staff to Insert GM Signature Here*

Signed:            General Manager

Date:.....