

Lease of road reserve

Section 153-157 Roads Act 1993

Applicant details	
Name(s):	
Business Name (if applicable):	
Address:	
Suburb:	Post Code:
Phone:	Mobile:
Email:	
Applicants Signature:	Date:

Details of road reserve
Name of road reserve:
Locality:
Nearest crossroad or reference point or Lot/DP:
Purpose for proposed use:

Term of lease – up to a maximum period of five (5) years					
<table style="width: 100%; text-align: center;"> <tr> <td>1 year</td> <td>2 years</td> <td>3 years</td> <td>4 years</td> <td>5 years</td> </tr> </table>	1 year	2 years	3 years	4 years	5 years
1 year	2 years	3 years	4 years	5 years	

Site plan – must be attached to this Application
Site plan must show proposed area of use, also any existing infrastructure in the road reserve.

Fees and charges
<p>Fees and charges will apply in accordance with Council's adopted Revenue Policy and available to view on the Council's website www.richmondvalley.nsw.gov.au</p> <p>Please refer to Other Engineering Support Services – Public Road Lease Application.</p> <p>Application fee and charges include:</p> <ul style="list-style-type: none"> • Application fee. • Annual Rent (determined by market valuation). • Applicant to meet costs associate with plan preparation, advertising/public notices, lease documentation preparation and lodgment.

Lodging your application

Please lodge your completed application and supporting documents in person at our Council office, by mail or alternatively email to council@richmondvalley.nsw.gov.au

Application fees must be paid at time of lodgment.

All applications are assessed on its merits and lodgement of this application does not automatically guarantee granting of a lease agreement.

If the application is approved, the applicant will be required, during the term of the lease, to provide a Certificate of Currency for Public Liability with a minimum value of \$20 million listing Richmond Valley Council as an interested party on the Certificate.

Disclaimer

Purpose of collection: Public access to Council's documents.

Intended recipients: Council staff and is publicly available under the Government Information Public Access Act 2009.

Supply: Voluntary, a consequence of non-provision could result in delays or refusal of your application.

Access / Correction: Requests for access / correction of information under the Government Information (Public Access) Act or Privacy & Personal Information Protection Act 1998, contact the Council's Right to Information Officer.

Storage: This form will be recorded in Council's corporate record management system upon receipt.

Office use

Application ID - LEA	Date lodged	
Amount \$	Receipt #	
<input type="checkbox"/> Public Liability \$20 mil cover	<input type="checkbox"/> Site plan	
Cashier:		

Guidelines - Lease of a Road Reserve

Section 153 through 157 of the Roads Act 1993, permits the leasing of roads in certain circumstances. For example, a roads authority may lease land comprising a public road to the owner or lessee of land adjoining the public road if, in its opinion, the road is currently not being used by the public.

A lease granted under this provision may be terminated by the roads authority at any time and for any reason. The term of the lease together with any option to renew, must not exceed five years. The lessee must not erect any structure on the land other than in accordance with consent of the roads authority.

Before granting any lease, a roads authority must publish a notice of the proposal in a local newspaper and notify the owner(s) of each parcel of land adjoining the length of public road concerned.

Any person is entitled to make a submission to the roads authority with respect to the proposed lease within the 28 days advertised exhibition period. Council will consider any submissions made, may grant the lease either with or without alteration or may refuse to grant the lease. If granted, a notice will be published in a local newspaper.

The applicant will be required to meet all costs associated with the application process in accordance with Council's current Revenue Policy. In addition to the application fee, a yearly fee will be determined for use of the unused road for the term of the lease which is to be paid annually in advance.

Given the undetermined timeframe to formally close a portion of the road, Property and GIS Section would recommend a lease be proposed while the proposed road closure is determined.

Council's General Manager and delegated staff have delegated authority pursuant to Sections 377 and 378 of the *Local Government Act 1993* to approve or refuse, negotiate and enter into a lease agreement of a road reserve unless the matter has been requested to be dealt with by Council for a formal determination

For further information please contact Council's Property and GIS section on 6660 0300 or email council@richmondvalley.nsw.gov.au

May 2022

For further information phone Richmond Valley Council on (02) 6660 0300, email council@richmondvalley.nsw.gov.au or visit www.richmondvalley.nsw.gov.au

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