

Council Policy



Policy Title:	Permanent Road Closures
Policy Number:	11.15
Focus Area:	PP2: Getting Around
Responsibility:	Asset Planning
Meeting Adopted:	28 June 2022 [Resolution 280622/16]

OBJECTIVE

The objective of this policy is to ensure a consistent approach is taken with the permanent closure of part or all of a public road in which Council is the Roads Authority.

This policy will outline Council's responsibility and legislative requirements when considering road closure applications. The policy will also provide to the community an understanding of the application process and the required considerations for Council to determine a road closure application.

SCOPE

This policy applies to any request made by the public for the permanent closure of any Council public road within the Richmond Valley Council Local Government Area. Council is not responsible for the closure of roads not under its authority, including crown roads and major roads controlled by Transport for NSW (TfNSW).

POLICY

Council may propose the closure of a Council public road in accordance with section 38A of the *Roads Act 1993* where:

- The road is not reasonably required as a road for public use (present or future needs).
- The road is not required to provide continuity for an existing road network.
- If the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.

Applicants requesting a road closure are required to complete the 'Road Closure Application' form located on Council's webpage. The completed form is to be submitted to Council along with any additional information as required, the required application fee is to be paid upon submission in order for the application to be accepted, refer to Council's Revenue Policy for current fees and charges.

Council will undertake relevant public and community consultation including notifying affected and adjoining landholders in accordance with Section 38B of the *Roads Act 1993*.

- Council is unable to approve the closing a Council public road where a notifiable authority has objected.
- The final decision to close a public Council road is the responsibility of Council by formal resolution.

- Upon closure the rights of passage and access is extinguished.
- The land comprising of former road where no construction/formation or maintenance has ever taken place becomes vested in the Crown as crown land.

DEFINITIONS

Roads Authority	A person or body that is, by or under the <i>Roads Act 1993</i> , declared to be a roads authority and, in relation to a particular public road, means the roads authority for that road.
Adjoining	Includes abutting.
Council Public Road	Means a public road for which a Council is the roads authority.
Non-council public road	Means a public road other than a Council public road.
Notifiable Authority	In relation to a Council public road, means each of the following: <ul style="list-style-type: none"> a) A network operator within the meaning of the <i>Electricity Supply Act 1995</i> for a transmission system or distribution system for an area that includes the whole or part of the road. b) A network operator within the meaning of the <i>Gas Supply Act 1996</i> for a distribution pipeline or distribution system for an area that includes the whole or part of the road. c) The Secretary of the Department of Planning and Environment. d) The Secretary of the Department of Industry. e) Transport for NSW <ul style="list-style-type: none"> i. Sydney Metro. f) The State Transit Authority. g) The Commissioner of Fire and Rescue NSW. h) The Commissioner of the NSW Rural Fire Service. i) Any other person (or class of persons) prescribed by the regulations.

REFERENCES

1. *Local Government Act 1993*
2. *Roads Act 1993*
3. Roads (General) Regulation 2018
4. *Crown Land Management Act 2016*

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	28 June 2022	New policy