

PURPOSE

The purpose of the policy is to ensure a consistent approach in considering:

- (a) The permanent closure of part or all of a road
- (b) The closure of a road no longer required for access or strategic purposes and the disposal thereof.

SCOPE

This policy applies to any road closure proposal for the permanent closure of any road within Council's municipal district. This policy is limited to formed, maintained roads and excludes unformed "paper roads" owned privately, by Council or the Crown.

DEFINITIONS

In this policy:

"Right of Way" (ROW) means a road as defined in section 3 of the Local Government Act 1989.

"Reserve" means drainage and other reserves not set aside for recreational and environmental purposes.

"Road" has the same meaning as specified in Section 3 (1) of the Local Government Act 1989.

"Paper Road" is a road laid out in a development or sub division plan. Paper roads may exist only on paper, never having been developed but have a legal existence whether on private or public land.

POLICY

To provide greater certainty to proponents of road closures by establishing a set of objective criteria that Council considers before exercising its discretion to give or not to give, its consent to the closure of a public road, in accordance with the Local Government Act 1989 (The Act). A permanent road closure will only be granted if Council believes, to the best of its knowledge, 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.

Objectives

The objectives of this policy are to -

- Reduce long term maintenance costs for parcels of land that are not required for access any longer;
- Improve the utility of land that would not otherwise be fit for a useful purpose;
- Maximise community outcome now and into the future;

- Provide a mechanism for the formalisation of the occupation of parcels of land by adjoining owners; and
- Provide an equitable return to Wodonga Council from the disposal of land.

Criteria

Council will give regard to the following matters in coming to its decision on whether to close all or part of a road and/or reserve:

Access

- The road function is nonexistent or minor in nature, i.e. is no longer used, does not provide a through link, serves limited number of properties or is of insufficient width for practical upgrading;
- Alternative access is available or will be made available to all adjoining properties and any other property that gains access via that road reserve;
- No land-locked allotments will be created, or if they are, access will be secured by amalgamation of titles;

Social Impacts

- Consideration will be given to the likelihood and severity of negative and positive social impacts of any road closure on the community or community of interest;
- Council may request a Social Impact Assessment (SIA) be undertaken on any road closure where it considers that the likelihood of potential adverse social impacts from the proposed closure warrants further consideration.

Environmental

- Status of environmental values on the road, i.e. native vegetation, threatened species. Where high values are present, protection may be best served by not closing the road;
- Impact on public access to water ways, lookouts, forest roads and areas of cultural or heritage significance;

Support

- Outcomes of consultation undertaken in accordance with Section 223 of The Act and Council's Community Engagement Policy;
- All submissions in accordance with the Act;
- All affected authorities have been consulted, e.g. water authorities, CMA, etc;
- The proposal supports sound planning principles for the area;
- The preservation of legal access to property and to public and other infrastructure, i.e. network efficiency, emergency access;
- Future visual amenity;

Traffic Management

- Where safety is of primary concern decide to close or deviate a road;

- Widening or closure of part or all of a road to improve the efficiency of the road network;

Other

- The demonstrated benefits and advantages to Council, the community and private interests in closing the road;
- Closure of a portion of the road which may be sold to adjacent landowners;
- Whether the road reserve will be required by Council in the future for other use, i.e. drainage, revegetation, bike track or other municipal purposes;
- Who receives the proceeds from any sale of a closed road and who would be responsible for the cost of reopening or replacing the road if it is required in the future.

ATTACHMENTS

Nil.

RELATED POLICIES

Divestment Policy
Asset Management Policy
Community Engagement Policy

RELATED LEGISLATION

Local Government Act 1989

Council has the authority, (under clause 2 & 3, schedule 10 and Section 206 & 207B of the Local Government Act 1989) to discontinue a road or right of way, or part thereof and sell it to a third party, deviate it or retain it for municipal purposes.

Subdivisions Act 1988

Council has the power (under Section 24A of the Subdivisions Act 1988) to initiate procedures to remove and vest in itself all, or part of a drainage reserve, or sell it to a third party.

Planning and Environment Act 1987

A road may be closed by an amendment to the Planning Scheme under Part 3 section 44.

Land Act 1958

Council is required to advise if it concurs with the Crown to discontinue a Government road under section. If a Government road is discontinued it becomes the freehold property of the Crown and may be sold by the Crown.

Road Management Act 2004

Council is required to establish a Register of Public Roads which includes those roads considered Right of Ways.

Road Safety Act 1986

Council will be required to consider this Act which provides for safe, efficient and equitable road use and sets out the general obligations of road users.

REFERENCES

Guidelines on the Section 223 Process
Transfer of Land Act 1958

REVIEW

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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