

Responsible Officer
Directorate

Manager Assets
Corporate Services

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1. Purpose

This policy applies to any permanent road closing applications (excluding Council initiated road closures) for public roads made under the provisions of the *Roads Act 1993*, that exist within the Coonamble Shire Council local government area.

2. Objectives

The objectives of the Permanent Road Closure are to:

- Ensure that there is a consistent approach when considering the permanent closure of all part or part of a Council owned public road that is:
 - Not required for access to land parcels by community members or government departments,
 - Holds minimal strategic purpose to the Council
- Ensure that the land from a permanently closed road remains vested in Council until if the Council so deems, the land is subsequently sold to adjoining owners
- Define the requirements of Council with respect to applications to permanently close public roads in accordance with the *Roads Act 1993*
- Raise community awareness with respect to the process and requirements for the application to permanently close a Council public road
- Ensure that road reserves are managed in such a way to ensure community access and use of these road reserves is preserved

This policy is to be reviewed every four (4) years.

3. Background

Coonamble Shire Council (the Council) is the roads authority for the purpose of managing Council Public Roads within its local government area (the Shire) as per the *Roads Act 1993* (the Act). Amendments to the Act on 1 July 2018, passed responsibility for the permanent closure of Council public roads to the Council. In Part 4 Division 3 of the Act, provisions exist for the permanent closure and disposal of public roads to adjoining land holders. Councils can only close roads and sell land that is formally under Council's control. With respect to non-council public roads, the authority for permanent closure comes under Crown Lands – Department of Planning, Housing, and Infrastructure.

Applications received by a land holder to permanently close an adjoining public road typically highlight that the road is:

- unformed,
- formed but receive minimal maintenance works by Council, and/or

- the land is currently utilised by the adjoining landowner via a licence or agreement with the Council

By permanently closing a public road the land remains vested in council until, the land is disposed of, in which case the land may then be consolidated with adjacent land parcels to enhance the useability of the land.

During the assessment of a permanent road closure application, the Council needs to consider:

- its existing use and road asset status,
- the future uses it may provide,
- if the land will remain as a road
- if it provides access to public or private land not held by the applicant,
- if it provides access for infrastructure provision (e.g. part of transmission grid),
- if it provides access for emergency services,
- if it provides vegetation or wildlife corridors
- if a short-term lease of the road is more appropriate than permanent road closure

The retainment of unconstructed roads by the Council means that there are associated obligatory administrative and land management practices with it. Under the circumstances where these roads are fenced into existing landholdings, the maintenance and weed control of these roads is often undertaken by the land occupier with no impost on Council. This is an additional consideration to be made when reviewing applications for the permanent closure of a public road.

Many road reserves were created as a means of legal access only for land parcels with no consideration of the natural landscape and as such have very limited future uses, if at all. In the case that new development areas are being undertaken, a provision for suitable access to the existing networks for the public access is required.

The *Roads Act 1993* (Part 10 Division 2 153 Short-Term leases of unused public roads,) provides for roads to be leased for short terms (up to 5 years). This situation is outlined in Council's 'Short Term Leases of Unused Public Roads Policy'.

The benefit of having this policy is that the current assessment process is formalised and applied in a consistent manner to preserve the road reserve network for existing or future public uses.

4. Statement

Council is committed to establishing a clear set of objectives and guidelines in relation to applications for permanent road closures and short-term road leases. This will provide certainty to applicants seeking permanent road closure.

4.1 Permanent Road Closures

With regards to public road assets, 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
- It has become redundant for the purposes of a public road.

Council will base its decision on whether to consider the permanent closure of a public road considering the following criteria:

4.2 Existing Use and Asset Status:

- The current service the road provides to the public
- The historical level of construction of the road (formed vs unformed)
- The road is minor in nature and does not provide a through link
- Alternative legal and practical access is available to all adjoining properties and any other property that gains access via the public road

4.2.1 Future Use:

- Will be required by Council for future use (including for drainage etc)?

4.2.2 Consultation:

- All relevant authorities (including utility providers) have been consulted and support the closure
- All Neighbouring properties have been notified and given opportunity to comment on the proposal

4.2.3 Other Considerations

- Whether or not the resulting land from the permanent road closure remains vested in Council or is disposed of to the applicant through purchase
- If purchased by the applicant, the land area is to be consolidated to the adjoining property at the applicants cost within 12 months (unless otherwise directed by Council)

Application will be assessed on a case by case basis where consolidation of the road reserve and adjoining property will result in a building entitlement and/or subdivision potential not previously available.

Local Councils are responsible for closing Council public roads following amendments to the *Roads Act 1993* on 1 July 2018.

Applications for the closure and purchase of a public road may only be received by Council from the owners of land which adjoins the road or by the Roads Authority.

4.3 Application Notes

1. Applications for the permanent closure of public roads in urban areas will normally not be accepted
2. Where a road separates or provides access to different properties, written agreement supporting the application from all landowners affected by the permanent road closing must accompany the application
3. Upon permanent road closure the newly created land remains vested with Council
4. The sale of the land (formerly Council public road) requires the approval of the Council
5. Compensation of the land will be determined by an accredited Valuer
6. Upon sale the applicant must consolidate the land within 12 months at their cost with their adjacent land parcels to enhance the useability of the land and to negate any implied additional dwelling entitlements attached to the new land parcel
7. All applications are advertised for 28 days so that the public may make a submission to Council
8. The determination of road closing applications is delegated to the General Manager
9. The General Manager will refer any assessment to the Council for determination following a request signed by a minimum of two Councillors

4.4 Application Assessment

The application to permanently close a public road (along with its subsequent sale) will not normally be considered in the following circumstances:

1. If the subject road/s is within an urban area
2. If the subject road/roads' reserve/s provide, or can provide public access to public reserves, rivers, and creeks
3. If the subject road/s provides or can provide public access to other roads or properties. There may be acceptable circumstances where an alternative access via a new road or easement can replace the road to be closed
4. If the subject road/s provides or can provide public access tracks or paths for vehicles, pedestrians, cyclists, stock routes, or equestrian uses
5. If the subject road/s contains wildlife corridors, significant trees or marketable timber, protected or endangered species of flora and fauna

6. If the subject road/s provides or can provide Council water, sewer, stormwater or access infrastructure
7. If the subject road/s contain public authority infrastructure unless the authority agrees to services relocation or the creation of easements over the existing services
8. If the subject road/s may have future Council uses and are assessed to have a higher value if retained in public ownership (e.g. electric vehicle charging areas, flood refuge areas, fire tails etc...)
9. If the subject road/s contain property fencing encroachments

The strategic evaluation and future use of road reserves may not yet be determined. This means a conservative assessment approach is paramount when considering permanent road closure applications.

4.5 Application Expectations

Exemptions for permanent road closure and purchase applications may be considered if:

1. The road alignment, safety, fencing or maintenance is improved.
2. Private property accesses are improved.
3. Alternate roads or accesses have been created making the existing road reserve redundant.

5. Definition

Word or Terminology	Definition
The definition of 'public road is provided under the Roads Act 1993	• Any road that is opened or dedicated as a public road, whether under this or any other Act or Law; and • Any road that is declared to be a public road for the purpose of this Act.

6. Implementation

Responsibilities for the implementation of this Policy are shared as follows.

Council will: lead the community in their understanding of and compliance with this policy.

Executive Staff will: Implement this policy and lead council staff in their understanding and compliance of this policy.

Infrastructure Managers will: Implement this Policy, provide guidance to Councillors Executive, and other Council staff as to the content and implementation of this policy, and ensure the timely review of this policy.

All Council staff will: Comply with this policy and any associated procedures and legislations.

7. Legislation Requirements

Conveyancing Act, 1919

Local Government Act, 1993

Roads Act, 1993

Crown Land Management Act, 2016

8. Procedures Relating to this Policy

Procedure Name
Coonamble Shire Council Permanent Road Closure Procedure
Short-Term Leases of Unused Public Roads Policy

9. Policy Review History

Date	Changes Made	Approved By
October 2025	Policy Development	General Manager
11March 2026	Policy Adopted	Council