



Council Road Closures Frequently Asked Questions

September 2015

What if Council prefers to utilise the previous Council road closure application process with the Department of Primary Industries - Lands?

Council may do so but there is a significant amount of closure applications on hand (approx. 7000) waiting to be processed and no specific resources available to allocate to expedite Council applications.

If using the previous application process, a different application form and associated charges will need to be lodged. To find out more, please contact the Department.

Where can Council obtain a status check for roads?

As set out in the Checklist for Council Road Closing, a full status check providing evidence is required to confirm a subject road is dedicated as a Council public road.

A status check may be undertaken by an appropriately skilled Council officer, a Registered Surveyor or via a status search through Land Property Information (LPI) in order to obtain evidence of public dedication and full title derivation.

When dealing with 'unconstructed roads', what Road Closure Application is used?

Under the *Roads Act 1993*, unconstructed Crown and Council Roads will vest in the Crown upon closure.

Where road closure applications are initiated by a third party, for unconstructed Council Roads, the *Road Closure: Public Road Closure application (general)* may be lodged by the third party with written consent from Council.

The consent should acknowledge the road will vest in the Crown upon closure and that the department may deal directly with the third party through the private treaty sale process.

If the intention is to vest in Council upon closure, evidence of construction and/or public expenditure must be provided with the application. In these situations, the *Road Closure: Public Road Closure application (Council)* should be lodged.

What happens in situations where Crown roads are required for compensation purposes for example during road opening negotiations?

Council should seek advice from the Department's appropriate District Office regarding a request to transfer the road to local council prior to the road closure application process. Council may then apply to close the road and proceed with statutory advertising under the new process.

Once a road is under Council control, whether it is formed or unformed, it will be considered for compensation for road opening and a *Road Closure: Public Road Closure application (Council)* should be lodged. To contact the relevant District Office please call 1300 886 235.

More information

DPI - Lands website www.lpma.nsw.gov.au/crown_land/roads or emailing roads@crowland.nsw.gov.au or calling the roads helpline on 02 4925 4104 or 1300 886 235 Option 2.

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