

# Junee Shire Council - Closing of Council Public Road Fact Sheet

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This fact sheet has been prepared to provide a brief outline of Council's road closing procedure and to assist applicants proposing to close and purchase all or part of a Council Road under the provisions of the Roads Act 1993 and other relevant legislation.

Permanent road closures may be requested by adjoining property owners, or their authorised representative, for the purpose of acquiring the land. Road closures may also be proposed by Council as a means of managing traffic flow, improving local amenity or other such matters as deemed necessary by Council.

When a public road owned by Council is closed, the land will remain vested in the council as operational land for the purposes of the Local Government Act 1993. However, **where a road that was never constructed or used by the public is closed the unformed road, upon closure, vests in the Crown.**

There are a number of determining factors for closing these types of roads. The main issues that need to be determined prior to proceeding with any plans to close include the reasons for the closure, alternate access, authorities that require easements over services or removal of services and how will the land be used once the road is closed.

Council may close a public road, as the road authority, under Section 38 of the *Roads Act 1993*.

***Note: The information and schedule of fees contained herein are intended as a guide only because policies, legislation and fees are subject to change.***

It is important to note that the statutory process for the closure of roads requires community consultation and compliance with the Local Government Act, including compulsory periods of advertising.

The process of closing a Council public road is costly and time consuming and can take anything from 6 months to 2 years to complete. **It is wise to contact Council to discuss the proposed closure prior to submitting a written request.**

Generally, the process is as follows:

- Applicant submits written request together with the required application fee set out in Council's [Fees and Charges](#).
- All costs associated with the road closing and purchase are the responsibility of the applicant.
- Council officers undertake investigations into suitability of closing the road, status checks with regard to construction and vesting, third party service providers affected (ie. water, power, telephone etc.).
- A report is prepared and presented to Council for consideration and resolution.
- Applicant is advised of Council's decision.
- If approved by Council, an independent land valuation report will be sought and the purchase price agreed between the parties.
- Advertising will commence in the local newspaper and on Council's website. The required notification is also provided to relevant authorities and adjoining landholders, allowing 28 days for any submissions to be received.
- If no objections are received the Applicant will be asked to instruct a private Surveyor to prepare the plan of road closure (at the applicant's cost).
- Subdivision Certification to be completed by Council.
- Final Plan lodged with Land Registry Services.

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- Upon registration of the plan, Council will publish a notice in the Government Gazette giving effect to the Road Closure. There is a 60-day appeal period for any submissions objecting to the road closure to be made to the Land and Environment Court.
- Land Registry Services subsequently issue a Certificate of Title.
- Council notifies authorities and adjoining landholders of outcome OR if vesting in the Crown – notifies Department of Industry – Crown Lands who will facilitate sale of land vested in the Crown.
- If road is vesting in Council, instructions will be forwarded to Council's solicitor for preparation of contracts for sale and transfer of the land.
- Purchaser and Council to pay their own legal costs on settlement.

***Estimate of Costs associated with Closing a Council Public Road (excluding purchase price).***

<b>Item</b>	<b>Estimated Cost</b>
Advertising	\$500
Preparation of Plan (Minimum)	\$2,500
Plan Lodgement Fee	\$1,500
Subdivision Certificate Fee	\$174
S88B instrument (if required)	\$1,000
Creation of Title and associated legal costs	\$2,000
Legal Costs – contract preparation, Transfer of land and registration of Title	\$1,800