

**CLAUSE 16 - AUTHORITY TO CLOSE WESTERN DIVISION ROADS  
REDEFINED IN NEW SURVEY PLANS**

**FILE: R5-7, 2912      AOP REFERENCE: 4.3      ATTACHMENT: NO**  
**AUTHOR: *Director of Planning & Environmental Services, Garry Ryman***

**Purpose**

The purpose of this report is to consider a request from Crown Lands – Far West Area seeking Council authority to close remaining Western Division Roads as part of the Department of Planning and Environment’s Legal Road Network Project.

**Background**

In a letter to the Department on 04 July 2014 Council provided general consent to proposed Western Division Road closures resulting from the Legal Road Network Project.

A recent Department review concluded that for the Department to action the Western Division Road closures, the Department is required to obtain from Council:

- specific authority to proceed with the Western Division Road closures under Division 3 of Part 4 of the *Roads Act 1993* on behalf of Council;
- Council’s decision to close specific Western Division Roads; and
- specific approval to publish a notice of closure in the Government Gazette on behalf of Council.

The request relates to the Western Division Roads identified below which have been redefined as part of the Legal Roads Network Project.

<u>Western Division Road</u> <u>Name, Number and Survey Plan</u>	<u>New Survey Plan</u>
Lerida Road (No. 43, DP97043)	DP1189383
Yathong Road (No. 43, DP97043)	DP1188538
Bedooba Road (No.44, DP97044)	DP1189383
Bloomfield Road (No. 45, DP97045)	DP1188538
Manuka Road (No. 46, DP97046)	DP1189383
Shuttleton Road (No. 46, DP97046)	DP1189383
Nymagee Station Road (No. 55, DP97055)	DP1189383
Yimkin Road (No. 57, DP97057)	DP1181214
Wilgaroon Road (No. 64, DP97064)	DP1180137
Cooneybar Road (No. 65, DP97065)	DP1181214
Moolah Road (No. 119, DP97119)	DP1179306

The request also included advice that a ‘notice of proposal’ to close the Western Division Roads was published in the Cobar Weekly newspaper on 04 March 2015 listing the Roads to be closed together with the new survey plans redefining the affected roads. No submissions were received.

### **Issues**

Essentially the request is a procedural matter that needs to be addressed in order for the Department to finalise the Legal Roads Network Project.

Further, the Project via the new survey plans reflects the actual location of the roads on the ground.

### **Legal Situation**

Pursuant to s 377 of the *Local Government Act 1993* the requested road closures are considered to be a surrender of an interest in land by the Council and therefore a matter which cannot be delegated to the General Manager.

### **RECOMMENDATION**

- 1. That Council authorise the Department of Planning and Environment to proceed with the closure of the Western Division Roads (WDR) identified below, in accordance with the *Roads Act 1993* on behalf of Cobar Shire Council.**

• Lerida Road	WDR No. 43
• Yathong Road	WDR No. 43
• Bedooba Road	WDR No. 44
• Bloomfield Road	WDR No. 45
• Manuka Road	WDR No. 46
• Shuttleton Road	WDR No. 46
• Nymagee Station Road	WDR No. 55
• Yimkin Road	WDR No. 57
• Wilgaroon Road	WDR No. 64
• Cooneybar Road	WDR No. 65
• Moolah Road	WDR No. 119

- 2. That Council authorise the Department of Planning and Environment to publish a notice of closure in the Government Gazette on behalf of Cobar Shire Council in respect of Western Division Roads identified item 1 above.**
- 3. That Council provide written advice to the Department of Planning and Environment confirming items 1 and 2 above.**