

11.6 Road Closing - Public Road in Bartletts Lane, Meerschaum Vale.DOC



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Proposed Road Closing - Bartletts Lane

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 17/07/2017

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11.3 Road Closing - Unformed Public Road - Bartletts Lane

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Delivery Program Asset Management

Objective To determine Council's response to the proposed closing of an unformed Public Road within and adjacent to 197 Bartletts Lane, Meerschaum Vale.

Background

This report is presented to Council to consider closing an unformed Council public road at Meerschaum Vale.

The road reserve is 20.115m wide through the property of 197 Bartletts Lane (Lot 7 DP 1035526) and then is variable in width until it meets the adjoining properties of 573 Wardell Road, Dalwood (Lot 308 DP 7555720) and 217 Bartletts Lane, Meerschaum Vale (Lot 3 DP 128108). The attached site plan shows the location (refer attachment one).

The road is located within the 'Important Population Boundary' identified in the Ballina Shire Koala Management Strategy. The applicant has proposed to revegetate the unformed road to enhance the koala habitat in this area.

Key Issues

- If closed, the land will vest in the Crown and be disposed of to the adjoining land owner(s)

Information

Council has received a request to close an unformed Council public road located within and adjacent to 197 Bartletts Lane, Meerschaum Vale. The road also provides secondary legal access to the properties of 573 Wardell Road, Dalwood and 217 Bartletts Lane, Meerschaum Vale.

This unformed road has not been used for access to the adjacent properties due to the vegetation, topography and small creek located within, and adjacent to, the road reserve.

The road is generally not fenced, apart from where it meets boundaries with adjoining land, and is located within 197 Bartletts Lane and adjacent to 573 Wardell Road, Dalwood and 217 Bartletts Lane, Meerschaum Vale.

The road is located on land within the 'Important Population Boundary' and nearby secondary koala habitat identified in the Ballina Shire Koala Management Strategy.

The applicant has proposed to revegetate the unformed road to enhance the koala habitat in this area. This is the primary reason for making the road closing application.

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The unformed road crosses a flat paddock before entering lower land with a small flowing creek. The creek has steep banks which are partly vegetated with mixed vegetation. The applicant proposes to revegetate the road reserve to enhance the koala habitat in this area.

The existence of a road within a property can restrict the possible use of the adjacent land for farming or revegetation opportunities.

If a fenced access track was to be constructed over the road reserve to provide a secondary access to the adjoining properties, the applicant's land would be severed resulting in small odd shaped paddocks.

The road proposed to be closed will not affect the use or functioning of Bartletts Lane.

The public have access rights over the public road, however as the road is unformed, fenced into properties, and crosses a creek gully with steep banks, access is not suitable for the passage of vehicles without significant earthworks.

The unformed road provides legal access from Bartletts Lane to the rear of two adjoining properties. These property owners have not indicated any opposition to the road closure.

Although the road is Council public road, it is unformed and upon closing would vest in the Department of Industry (DPI), Lands and Forestry – Crown Lands (the "Crown"). This is consistent with the provisions of the Roads Act 1993.

The land valuation and negotiated sale terms are matters for the owner and the Crown to resolve if the road is closed.

This road reserve is not required by Council for road improvements or considered necessary for future strategic road use.

Council is the roads authority for this public road and any request to close a section of Council public road must firstly be endorsed by Council and advertised before lodging a road closing application with DPI-Lands.

The road closing application requires the proponent to provide all the necessary information and to meet all costs throughout this process.

Sustainability Considerations

- **Environment**

The road closing and consolidation with the adjacent land would facilitate the better use of the existing land holding. It is proposed the land would form part of a private revegetation project to enhance the koala habitat in this location.

- **Social**

The road is public land and is currently fenced into the adjoining properties. As there is no formed carriageway on this section of road reserve, the public would not be adversely impacted as the functioning and use of Bartletts Lane will remain unchanged.

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The road does provide secondary legal access to the adjoining properties and these property owners would be notified of the road closing proposal during the advertising period, if the application proceeds.

- **Economic**

The recommendation seeks to support efficient land management principles with the road to be closed and consolidated with the adjoining land.

Legal / Resource / Financial Implications

All road closing fees and costs are met by the applicant. The application processing is undertaken by Council and Crown Lands and upon closure the road, as it is unformed, would vest in the Crown.

Any proceeds from the sale of the road will also vest in the Crown. The road is not identified by Council for current or future road projects.

There are no financial or other implications for Council.

Consultation

This road closing request has been lodged with Council as the roads authority for this section of public road.

If Council supports the road closing, Council will undertake the necessary advertising and consultation as part of the road closing process prior to a road closing application being lodged with Crown Lands.

To facilitate the road closing application, the applicant has written to the adjoining property owners advising them of the request to Council for the road closing.

At the time of preparing this report, the applicant has not received any responses from these land owners.

Options

1. Council supports the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.

The advantage of this option is it ensures the Council does not have any future liability attached to this unnecessary section of road. It also allows for the road closing application to proceed and, if approved, consolidate the land with the adjoining property. This may well be the most efficient and best use of the land and a preferred outcome for the adjoining landowners.

2. Council opposes the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.

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There are minimal, if any, benefits associated with retaining this part of the public road for current or future needs.

RECOMMENDATIONS

1. That Council supports the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.
2. That Council authorises the Council seal and signatures to be attached to the road closing application and associated documents for the road closing and disposal of the land.

Attachment(s)

1. Site Plan

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