

11.7 **Road Closing - Public Road in Riverside Drive, West Ballina.DOC**



**ballina shire council**  
 geographical information system  
 Projection: GDA94 / MGA zone 56  
 Date: 28/08/2017

**Proposed Road Closing  
 101 Riverside Drive, West Ballina**



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### 11.2 Road Closing - Section of Riverside Drive, West Ballina

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#### 11.2 Road Closing - Section of Riverside Drive, West Ballina

**Delivery Program**     Asset Management

**Objective**             To determine Council's response to the proposed closing of a section of public road adjacent to 101 Riverside Drive, West Ballina

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#### **Background**

This report is presented to Council to consider closing a section of public road reserve adjacent to 101 Riverside Drive, West Ballina.

The road reserve has an irregular shape at this location and the section of road requested to be closed (the "road") is not part of the formal road verge or carriageway area. The attached site plan shows the location (see attachment one).

#### **Key Issues**

- Impact on locality
- If closed, the land will vest in Council and can be disposed of to the adjoining land owner(s)

#### **Information**

Council has received a request from the owner of 101 Riverside Drive, West Ballina to close a section of Council public road adjacent to their property. This section of road is adjacent to the western boundary of 101 Riverside Drive, triangular in shape and contains an area of approximately 110m<sup>2</sup>. The land looks like a wide area of typical road verge.

The section of road proposed to be closed is between the driveway access to 103 Riverside Drive and the western property boundary of 101 Riverside Drive. The road is not relied upon for vehicular or pedestrian access to the adjoining properties.

Council has a water main in this section of road. If the road is closed, this water main will need to be relocated to ensure the main is located in a public road reserve. All infrastructure relocation costs would be met by the applicant.

The road proposed to be closed will not affect the public use or functioning of Riverside Drive, is not required by Council for road improvements or considered necessary for future strategic road use.

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

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The road is Council public road and upon closing would vest in Council. This is consistent with the provisions of the Roads Act 1993. The land valuation and negotiated sale terms are matters for the owner and Council to resolve.

If the road is closed, it would be consolidated with the adjoining property.

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 101 Riverside Drive would provide an enlarged lot for this property. The section of road is currently grassed verge and provides a large road reserve with limited public use or need.

- **Social**

The road is public land and currently forms the road verge adjacent to the Riverside Drive carriageway. The public would not be adversely impacted if this section of road is closed as the functioning and use of Riverside Drive will remain unchanged.

The road closing is adjacent to the driveway of the adjoining property at 103 Riverside Drive. This property owner would again be notified of the road closing proposal during the public 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 costs associated with the road closing, survey, legal and infrastructure relocations are to be met by the applicant. The application processing is undertaken by Council and Crown Lands.

Upon closure the road, the land would vest in Council along with any proceeds from the sale of the road.

The road is not identified by Council for current or future road projects.

There are no financial or other implications for Council.

At this stage no approval or request for sale of the land has been included in this report.

A further report in respect to the sale, along with the sourcing of a valuation for the land, will only be undertaken if Council endorses this initial proposal and the closing of the road then proceeds following the mandatory exhibition process.

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**Consultation**

This road closing request has been lodged with Council as the roads authority for this public road. If Council supports the road closing, Council will undertake the necessary advertising as part of the road closing process prior to a road closing application being lodged with Crown Lands.

To facilitate the road closing application, Council has contacted the new adjoining property owners and advise they have no objection with the road closing application proceeding.

**Options**

1. That Council supports the request for a road closing application to proceed for a section of public road adjacent to 101 Riverside Drive, West Ballina.

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.

2. That Council opposes the request for a road closing application to proceed for a section of public road adjacent to 101 Riverside Drive, West Ballina.

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 101 Riverside Drive, West Ballina, as per attachment one to this report.
2. That Council authorises the Council seal and signatures to be attached to the road closing application and associated documents.

**Attachment(s)**

1. Locality Plan



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**ballina shire council**  
Professional Information System  
Professional Geospatial Information System  
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**Proposed Road Closing**  
**101 Riverside Drive, West Ballina**

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