

11.3 **Howards Road, Alstonville - Road Opening, Closing and Land Exchange**

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Delivery Program Asset Management

Objective To determine Council's response to a proposal to resolve road boundary alignment matters on Howards Road, Alstonville.

Background

Howards Road is an unsealed Council public road located along the eastern side of Branch Creek between Teven Road, Alstonville and Tuckombil Road, Tuckombil. A recent subdivision (DA 2012/476) adjoining Howards Road identified discrepancies with the location of the existing constructed roadway and the road boundaries. These discrepancies range from minor alignment matters to sections where the constructed road is not within the road boundaries.

The purpose of this report is to examine the response options to this issue. Plans showing the land are included as attachments.

Key Issues

- To seek approval to deal with land affected by the opening and closing of sections of road along Howards Road
- To seek approval to acquire land for road where necessary. The provisions of the Land Acquisition (Just Terms Compensation) Act would apply to any acquisition
- To seek approval to exchange land (closed road) as part of the road action where required

Information

To deal with this matter a number of administrative actions are required including opening, closing, acquisition or disposal for various land sections. This report is seeking approval from Council to enable any of these actions to be undertaken to resolve the road anomalies. The following items generally outline how this process will occur:

- a) Negotiations with adjoining land owners to determine a proposed road boundary, land acquisition agreement or land exchange areas
- b) Council approval for the road actions to proceed. This includes road closing applications with Crown Lands, land acquisition where necessary and disposal of unnecessary land
- c) Survey plans and transfer documents prepared
- d) Council approval for use of seal on any associated necessary documents

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There are a few properties directly affected by the current alignment of Howards Road and other properties that do not abut the road, but have their property access from Howards Road. The intent of the proposed road actions is to not change any existing property access arrangements from Howards Road.

The road is roughly divided into three sections (northern, middle and southern) to describe current and proposed actions requested in this report.

The property abutting the northern section of Howards Road has not been fully surveyed, however the preliminary survey shows significant road alignment issues. Land will need to be acquired for road with other sections suitable for closing and consolidation with adjoining land.

The property abutting the middle section of Howards Road has been subject to a recent subdivision plan (DP 1205369) over the property. This plan created new road over the existing roadway where no road reserve existed and identified areas of road that could be closed. The sections of land that are no longer required for road can generally be dealt with via a land swap for the new road opened. The sections that are not suitable for land swap or exchange can be sold or granted to and consolidated with other adjoining land.

The property abutting the southern section of Howards Road has not been fully surveyed, however the preliminary survey shows minor (if any) road alignment issues.

Sustainability Considerations

- **Environment**
The proposal is for the currently constructed road to remain as is and only road and property boundaries will change. This has no environmental impact.
- **Social**
Howards Road is a Council public road which provides access to adjoining properties. The proposal is to ensure property and road boundaries are appropriately located.
- **Economic**
The proposal is to have the currently maintained road asset being fully located within a Council road reserve.

Legal / Resource / Financial Implications

The road closing and opening areas are generally dealt with by agreement of monetary value for land area or by a land exchange arrangement of nil monetary value. If areas of land need to be acquired for road, there is a monetary cost to Council which is determined through the Land Acquisition (Just Terms Compensation) Act process.

There will be survey and legal costs associated with the proposed road actions which are to be met by Council.

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At this point in time it is difficult to quantify the costs and compensation amounts, however staff expect a budget of \$30,000 is a more likely amount. It will be necessary to charge these expenses to the roads budget. The impact of this is discussed below in the options section of this report.

Consultation

The owners of property abutting the northern section of Howards Road have been informed by letter only at this stage and further discussions will occur. The owners of property abutting the middle section of Howards Road have been consulted and a proposed action plan to open and close sections of road has been agreed upon.

The property abutting the southern section of Howards Road appears to not be affected and therefore no specific consultation with the land owners is proposed at this time.

Options

1. Support addressing the road boundary alignment matters along Howards Road now. This involves managing the road applications, land dealings and providing the funds to cover associated land acquisition, survey and legal costs.
2. Rebuild the road within the existing road reserve and rehabilitate those areas of land formerly occupied by the road. This option is considerably more expensive and does not represent value for money.
3. Maintain the status quo. The constructed road is suitable for its purpose, the administrative land issues are the problem. Under this option the Council could either elect to do nothing and manage any issues should they arise in the future. For example if a landowner placed an obstruction in the road, the Council would either need to refer to the powers available to it under the Roads Act or deal with the deferred acquisition.

It is preferred for insurance and other reasons to pursue option one as it provides a conclusive outcome. The disadvantage of option one is the cost as applying the funds for this purpose diverts them from the delivery of on ground works and services. On balance it is preferred to conduct the further investigations and negotiations to support option one, subject to the approved budget being limited to \$30,000. In the event further information indicates the cost will exceed \$30,000 further reporting will be provided to Council examining the benefits and risks associated with option three to defer further action to a future time.

RECOMMENDATIONS

1. That Council provides approval to resolve the road boundary alignment matters along Howards Road by commencing the required road opening, closing, land exchange or land acquisition.
2. That Council approves the lodgment of any applications or documents associated with the road management actions in point one above.

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3. That Council approves the use of the Council seal on any documents associated with road management actions in point one above.
4. The costs to implement the above resolutions are to be funded from the budget allocation for roads.
5. That the approval in points one to three is subject to the estimated costs being up to a maximum of \$30,000. In the event that additional survey or other information indicates this budget is not sufficient, a further report reviewing Council's options is required.

Attachment(s)

1. Aerial Image showing Howards Road (Northern section)
2. Diagram showing Howards Road (middle section)