

Strategic policy

Management of Requests for Road Closure Applications

Corporate Plan reference	<p><i>Our Strong Community</i> We serve our community by providing this great service.</p> <ul style="list-style-type: none"> • S7 - Roads, cycleways and pathways – maintaining and improving the road network and associated assets (sealed and gravel roads, bridges and pathways), vegetation management, construction and project delivery services, permit fees, private works and levies. <p><i>Our Environment and Liveability</i> We serve our community by providing this great service.</p> <ul style="list-style-type: none"> • S14 - Sustainable growth and network planning – providing land use planning, social policy, infrastructure planning and charges, flood mapping, transportation planning and environmental initiatives.
Endorsed by Council on:	24 March 2022 (OM22/18)
Manager responsible for policy	Head of Property

Introduction

Effective management of Road Reserves is a critical responsibility for Council, as so many important community outcomes are achieved through the utilisation and protection of these corridors. Uses within Road Reserves are wide ranging, extending from accommodating current and future transport, parking, access and utility needs to providing urban amenity and buffers against development activity in both rural and urban situations. Underpinning the policy is the principle of preserving road reserves to protect the interests of existing and future communities.

There are many Road Reserves that are currently unutilised or underutilised that are subject to applications for temporary and permanent closure. If permanent closures are granted, that future potential for a future community is removed.

This policy recognises the State Government process, managed by the Department of Resources (DoR), with the Minister ultimately responsible for granting approval for a Road Closure. It outlines the elements for consideration required of Council employees and Councillors in developing responses, as part of the process. Further, the policy provides guidance to external parties considering making an application for a Road Closure.

Policy statement

Council is committed to the preservation and protection of road reserves for the benefit of existing and future communities across the region. Council recognises that road reserves, regardless of current utilisation, are a vitally important asset for the region both now and into the future.

The long-term vision is to preserve and protect road reserves for the benefit of existing and future communities.

In order to protect these assets, the majority of applications made to the Queensland State Government's Department of Resources (DoR) are not supported as they do not meet Council's strict threshold for supporting permanent road closures.

This policy provides a framework for the consistent assessment of permanent road closure applications and response to the Queensland State Government, which aims to ensure consistency across all areas of Council operations and the development of a consistently informed response on all applications.

Policy scope

This policy applies to all Council employees involved in the assessment of permanent road closure applications made to Council by the DoR.

This policy does not apply to road closure applications relating to events, construction works and any other road closure applications attached to permits or approvals issued under the Local Government Act 2009 or Council's local laws.

Principles

The process established in the *Land Act 1994* and supporting documentation delivers a framework for officers to provide advice of support or objection to DoR, based on a number of considerations. The following principles apply to the assessment and final decision of all permanent road closure applications.

The key guiding principles for the protection of road reserves are:

- **Preservation of function** – road reserves typically provide for the movement of people and goods by way of existing and future use by vehicles, cyclists and pedestrians, but also accommodate other uses such as the right of way for utility services, and community amenity through space for trees and street scaping. The policy position is to preserve this potential.
- **Preservation of existing and future community benefit** – preservation of public land for future generations is in keeping with Council's vision, by protecting the potential for connectivity, amenity and green spaces, particularly as population growth continues and unused road reserves will grow in community value and will eventually realise their potential.
- **Preservation of future access** – many undeveloped road reserves provide accessibility to key locations such as waterways and quiet green spaces. The policy position is to preserve and protect future accessibility to waterways, conservation areas and public spaces.
- **Changing land use** – The full benefit of an existing road reserve, yet to be realised, may be revealed by future land use changes, over time. Councils generally review and develop new Planning Schemes every 10 or so years. Preserving road reserves will allow future community benefits from land use changes to be realised.
- **Minimise future costs** – road reserves facilitate the provision of services such as water supply, sewerage, telecommunications and electricity. There could be significant cost to purchase land parcels in the future, driven by relinquishing an existing road reserve, should a requirement become necessary. The policy position protects the possible unnecessary use of community funds in the future.

- **Enhance environmental protection** – Preserving all or parts of undeveloped road reserves for the protection of remnant vegetation and key corridors for fauna and flora in community ownership is crucially important. The policy position recognises the importance of preserving environmental corridors.

Road closure assessment

The vast majority of applications for permanent road closure would not be supported and this will be Council’s starting position in all instances. However, in extenuating circumstances a permanent road closure may be supported by Council. Examples where a permanent road closure application might attract support is where the closure:

- is of a minor nature, (e.g. a minor boundary truncation),
- is part of an equivalent land swap facilitating an equivalent or improved corridor, providing community benefit,
- addresses an untenable situation for a property owner, or,
- involves the installation of essential utility infrastructure.

A temporary road closure would generally be supported, with conditions, as it provides an acceptable interim solution while preserving future community benefits, such as:

- protecting environmental values,
- preservation of community access,
- maintaining stormwater capabilities,
- meeting future transport needs, or,
- protecting other unknown benefits.

The following three phases form an integral aspect of the assessment of all permanent road closure applications received by Council.

1. Initial review and allocation

Property Management Branch is responsible for the initial review of all applications and will coordinate key stakeholder engagement across all relevant Council operational areas. Divisional Councillors will be included as part of the key stakeholder engagement process.

2. Assessment

The following four fundamental aspects must be considered in the assessment of all applications in line with the policy’s guiding principles –

Loss of potential future benefit – The Council response to DoR in relation to Road Closure applications is currently required to be directed to existing and foreseeable impacts on Council’s operational capabilities. This is unacceptable to Council, as is most often the case, the need to preserve Road Reserves, in full or part, is to protect an opportunity for a future generation, of a yet to be discovered future benefit. Where needs have not yet been identified or “tapped into” should not provide the basis for disposing of the asset by way of a road closure.

Loss of environmental value – The future benefits may relate to recreational open space, preservation of linear fauna and flora linkages by way of the potential to restore and enhance nature’s potential. Many unutilised Road Reserves, in full or in part, provide buffers to urban and rural activity that will, with future population growth, take on greater importance and increased community value.

Loss of access – Many of the unutilised rural Road Reserves lead to water courses, major and minor, where areas adjacent to streams are currently available to the community through the presence of a Road Reserve, but lack a constructed facility, could be fenced off, and/or are largely unknown to the public. Access in perpetuity, to and through these attractive areas needs to be preserved, for the benefit of flora and fauna preservation and for the enjoyment of current and future generations. Further, it is vitally important to protect access to and through these reserves into the future as their importance will gain in stature as the Sunshine Coast Regional Council population grows from 350,000 (2021) to 518,000 (2041) and beyond.

Future costs – Many Road Reserves serve multiple purposes, providing connectivity for transport, energy, water supply, sewerage, and telecommunications. Sections of Road Reserve lost in the past through road closures have required purchase back or alternative routes to be found, to meet the infrastructure needs of community. This financial burden on community is unnecessary and should be avoided.

3. Recommendation and final decision

The Property Management Branch will collate all responses from key stakeholders, cross check recommendations to ensure they align with this policy and coordinate the development of a single consolidated response and final decision back to DoR for consideration and decision.

Roles and responsibilities

All Council employees involved in the assessment of applications made to Council through DoR regarding permanent road closure applications must comply with this policy and any associated documents related to the closure of roads.

The State Government, through DoR, requests advice from Council on its position regarding temporary and permanent road closure applications.

The branches of Council which receive the request for feedback will be determined by Property Management Branch. Property Management Branch will communicate Council's decision to DoR.

Measurements of success

A key measurement of success for this policy is the successful preservation of community land for future generations.

Definitions

Council employee -Means the CEO, senior contract employees, contract employees, award employees, casual employees, part-time employees, contractors, contingent workers, agency casuals.

Road – Under the Land Act 1994, a road is defined as an area of land, whether surveyed or unsurveyed, that is either:

- dedicated, notified or declared to be a road for public use
- taken under an Act for the purpose of a road for public use

Road Reserve - Land dedicated as road is an area set aside for the present or future use of the travelling public.

Policy commitment

Council employees and Councillors covered in the scope of this policy consistently demonstrate and uphold the intent, objectives and principles of this policy. Nothing in this policy requires or authorises an employee of Council or Councillor to act in any way that is contrary to law. Any instances of non-compliance will be managed in accordance with any relevant codes of conduct, policies and legislation dealing with conduct and/or disciplinary action.

Related legislation, policies, strategies and documents

All individuals engaged in dealings within the scope of this policy are required to fulfil the ethical and behavioural obligations as defined in legislation. In the event of an inconsistency between any provision of this policy and any provision of the following related legislation, policies, strategies and documents, the provisions of the related legislation, policies, strategies and documents shall prevail, unless the CEO or Council expressly waive a provision of this policy by prior agreement. For further assistance please contact the Manager of Corporate Governance.

[Local Government Act 2009](#)

[Land Act 1994](#) (refer Sections 97A – 109C).

[QLD State policy paper - "Roads: Permanent and Temporary Closures.](#)

[Guideline – Roads under the Land Act 1994 SLM/2013/725](#)

[Application for Road Closure – Department of Resources, Part B – Form LA18](#)

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New Policy		OM22/18	24/03/2022