	Function: ROADS AND FOOTPATHS	Adopted: 5 TH OCTOBER 2016
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MANAGEMENT AND DISPOSAL OF UNMADE ROADS POLICY		

Policy Statement

This policy applies to unmade roads. An unmade road is a public road that exists in plan form only and therefore a road has not been physically constructed.

The policy covers the management and disposal of all unmade roads, including those in and around towns. The main difference being that Council has provided a fixed purchase price for the land used for agricultural purposes within this policy. Other land uses are set on a case by case basis.

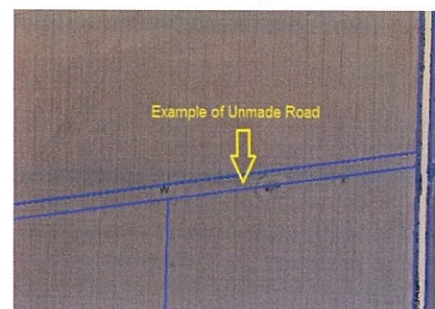
The principles and procedure of the policy may also apply to the disposal of a constructed road, however, the decision to proceed with a constructed road will be determined on a case-by-case basis by the full Council.

1. Introduction

Unmade roads are parcels of land owned by the community that were set aside for a future road. With the development of powered vehicles and large farms it is now very unlikely that any of the road corridors will be required. While they remain public land, many of these corridors have been used by the adjoining property owner, some under the old road rents scheme.

However, with changes to the Local Government Act and the introduction of the Workplace Health and Safety Act 2012 it is now important the tenure of these land parcels is resolved for the long term.

If the liability is not transferred through a lease or transfer of ownership, the Council would be liability for the activities on the land.



The Council is undertaking this process to ensure that in the future these land parcels (unmade roads) are appropriately managed and present no future financial risk or liability to the community.

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The aim of the policy is to reduce long term 'red tape' around the management of the land and to create security of tenure for the adjoining land owners who may have been utilising the land for their own purposes, but have no security that the use will continue.

The policy will ensure that appropriate public consultation occurs throughout the process, thereby giving any affected stakeholders the opportunity to provide input into an individual disposal of an unmade road process.

Potential purchasers should be aware that in South Australia native vegetation is protected by the Native Vegetation Act 1991 and the associated Native Vegetation Regulations 2003. Therefore no clearing of the land is envisaged and if it is considered necessary, should not proceed without first contacting the Native Vegetation Council.

2. Applicable Legislation

Local Government Act 1999
Roads (Opening and Closing) Act 1991

3. Integration with Corporate Objectives

2.4 Infrastructure and Services:

To implement ecologically sustainable programs for development of infrastructure and management of waste

4. Definitions

Unmade road means –

- a public street, road or thoroughfare to which public access is available but no physical road construction has been undertaken.

Agriculture means –

- land used for cropping or livestock or associated activities such as storage, fire breaks, or access tracks.

5. Application

If an adjoining land owner is currently using an unmade road there are only **three choices**. They are;

- a) Purchasing the land
- b) Leasing the land
- c) Advising Council (in writing) that they will not be utilising the land.

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5.1 Purchase

This process involves a number of steps including public consultation and a formal decision of Council to agree to close the road.

◆ Step One

The first step involves a \$330.00 upfront fee. For this fee, a surveyor will;

- *Investigate the viability of each closure and provide a written response of expected fees, charges and any general issues or issues with State Departments and/or legislation.*
- *Address services that may be in the road corridor, whether the road is deemed public (or whether it will require a declaration as public before we can close it), whether there are issues restricting public access to adjacent titles.*
- *Provide an indication of whether we believe it is viable to continue with the closure given these investigations. (Generally closures will still proceed once these investigations are completed, but on occasions some are better to walk away from or for the user to consider a lease)*

◆ Step Two

The next step is for the property owner to review the offer and make a payment for the preparation of the plan, search fees, lodgement and public advertising. This will be part of the quote above, but will generally be around \$2,200.

◆ Step Three

Once the public comment period has ended the Council (at a Council meeting) will consider the formal closure of the road and exclusion from the community land register. After this step the land will be ready for purchase.

◆ Step Four

A final payment for the closure, official paperwork, etc (approx. \$2,300) plus the payment for the land. .

5.1.1 Land Cost

Land Zoned - Primary Production

If the closure proceeds Council will fix the payment at the sum of the following two components;

1. Any associated legal, surveying or administration costs;
2. Payment for the land based on one third of the current State Valuation Office's valuation for the adjoining land. The land payment is to be a square metre rate, however, the CEO is granted discretion to remove this component for sections of unusable land (native vegetation, etc) or site specific issues.

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Land Zoned – Rural Living and Deferred Urban

If the closure proceeds and the land is currently used for agriculture purposes, the Council will fix the payment at the sum of the following two components;

1. Any associated legal, surveying or administration costs;
2. Payment for the land based on one third of the current State Valuation Office's valuation for the adjoining land. The land payment is to be a square metre rate, however, the CEO is granted discretion to remove this component for sections of unusable land (native vegetation, etc) or site specific issues.

Other Zoning

If the closure proceeds Council will determine a payment at the sum of the following two components;

1. Any associated legal, surveying or administration costs;
2. A fair square metre value set by Council on a case by case basis.

Note: Details of the zoning can be found in Council's Development Plan available on the Council's website.

5.1.2 Proceeds from the unmade road sale

The proceeds from the unmade road sale will be allocated to the redevelopment of the regional sporting precinct in Kadina. Including the redevelopment of the Copper Coast Sports and Leisure Centre and associated regional level facilities.

5.2 Lease

This process is simpler than the purchase option, but gives the adjoining land owner less security and an ongoing obligation to pay a lease fee.

◆ Step One

Advise the Council that you want to lease the land. (In some case this may be the only option if a purchase is not possible. Council will provide you with a draft land lease).

◆ Step Two

Staff may decide to put the proposal out on public consultation (at the Lessess cost) or proceed directly to making a request to the Council, at a Council meeting, to ask for authorisation to enter into a lease arrangement. In some cases this may be straight forward, however, Council may request to undertake (at the Lessees cost) public consultation to determine if any other parties have concerns with the lease. Only after Council provides this authorisation will the land will be ready to be leased.

Public consultation will be required in cases where the land is fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree. The cost for this process is approx. \$400.

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◆ **Step Three**

The lease (generally 5 years) will be finalised for signing and an invoice raised for the first years lease fee (set by Council each year, in its fees and charges) The Lease fees is set at an amount to cover any rates applicable to that portion of land, other outgoings will be at the cost of the Lessee.

5.3 Non use

Simply advise the Council (in writing) that you are not utilising the land and Council will update the database accordingly. This includes removing any fencing that may be restricting public access to the land and acknowledging that the general public has free and unrestricted access to the land and Council may utilise it for any community purpose or benefit.

6. Delegation

Information regarding this policy is to be directed in the first instance, to the CEO.

7. Adoption and Review

This Policy will be reviewed as required, with the review being undertaken by the CEO and a report provided to Council for consideration and adoption.

8. Availability of Policy

This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website.

A copy of this Policy may be obtained on payment of a nominated fee from Councils' principal office or may be down loaded from Councils' website.

Signed _____

Mayor

Date 18th October 2016

Signed _____

Chief Executive Officer

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