

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT (ROAD OPENING AND CLOSING) REGULATIONS

As in force at 1 July 1994

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LOCAL GOVERNMENT (ROAD OPENING AND CLOSING) REGULATIONS

Regulations under the *Local Government Act*

1 Citation

These regulations may be cited as the *Local Government (Road Opening and Closing) Regulations*.

2 Interpretation

In these regulations:

close, in relation to a road, means to close the road either completely or substantially to the passage of ordinary traffic.

road means a road or part of a road vested in and under the care, control and management of a council.

utilities includes water, gas and electricity reticulation systems, sewerage systems, and electronic transmission or reception cables, conduits, systems or apparatus.

3 Proposal to open or permanently close road

- (1) Where a council proposes to open or, subject to regulation 8, permanently close a road it shall prepare:
 - (a) a plan showing the position of the road or proposed road; and
 - (b) a statement showing, in relation to the plan, the names of owners of land adjoining the road or the proposed road the subject of the proposal and the last known address of each of those owners.
- (2) A plan under subregulation (1) shall be acceptable to and be verified by the Surveyor-General as adequately representing the position of the road or proposed road.

4 Giving notice of proposal

- (1) Where a council prepares a plan under regulation 3 it shall:
 - (a) publish a notice in a newspaper circulating in the council area containing details of the proposal, the names and addresses of owners of land adjoining the road or the proposed road and a statement that a copy of the plan is available for inspection at the council office; and
 - (b) maintain a copy of the plan at the council office and permit any person to inspect it free of charge during the hours the office is open.
- (2) Where the proposal relates to the permanent closure of a road, the council shall also give details of the proposal:
 - (a) to the Planning Authority; and
 - (b) to any Agency or body providing or maintaining utilities on, in or over the land the subject of the proposal.

5 Person may object to proposal

A person may, at any time within 28 days from and including the date of publication of a notice of a proposal under regulation 4(1) or the receipt of details of the proposal under regulation 4(2), object to the proposal by serving a notice, stating the grounds for the objection, on the council.

6 Procedure where objection received

- (1) Where, under regulation 5, a person has objected to a proposal the council shall consider the objection (which may be accepted or rejected) and shall determine whether or not to proceed with the proposal or to amend it.
- (2) Within 6 months after the expiry of the time limited by regulation 5 the council shall, by notice in a newspaper circulating in the council area, declare whether or not it will proceed with the original proposal or with the proposal as amended in the manner specified in the notice.
- (3) Subject to subregulation (4), where a council amends a proposal under subregulation (2) the provisions of regulation 5 apply to and in relation to the amended proposal as if it were an original proposal under regulation 3.

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- (4) Where a council is satisfied that any further objection is the same or substantially the same as an objection already served on it under regulation 5 and considered under this regulation, it may disregard that objection and proceed under these regulations as if it had not been made.

7 Procedure where objection period expired

- (1) Where, at the expiration of the time limited by regulation 5, no person has objected to a proposal or any objection made is disregarded under regulation 6(4) the council may commence to open or permanently close the road in accordance with the proposal within 6 months after the expiry of the time limited by regulation 5.
- (2) When work commenced under subregulation (1) in accordance with a proposal has been completed the council shall, in a newspaper circulating in the council area, give public notice of that fact.

8 Ministers' prior consent to permanent closure

- (1) A council shall not formulate a proposal under regulation 3 to permanently close a road unless the Ministers' consent, as required under section 131(8)(a) of the Act, is obtained and for that purpose the council shall, together with the notice under that section, give to the Minister:
- (a) a plan showing the position of the road; and
 - (b) a statement of the reasons for the permanent closure.
- (2) The Minister shall, before consenting or otherwise to the closure, consult with the Minister responsible for the *Control of Roads Act* (other than Part IV of that Act) to determine whether that Minister also consents.
- (3) The Minister shall advise the council of the decision of both ministers on or before the expiry of the period of 3 months commencing with the day notice was given under subregulation (1).
- (4) Where both Ministers consent to the permanent closure of a road the council may, within 1 month after receiving advice to that effect, formulate a proposal under regulation 3 to close the road.

9 Construction of temporary roads

- (1) A council may construct or cause to be constructed a temporary road for use by vehicles whilst a road is being constructed or repaired.

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- (2) Regulations 3 to 7 inclusive do not apply to or in relation to the construction of a temporary road.

10 Opening of road over crown land

A council shall not formulate a proposal under regulation 3 to open a road wholly or partly over Crown land, within the meaning of the *Crown Lands Act*, unless the Minister administering that Act has consented, in writing, to the council opening that road.

11 Temporary closure of roads

- (1) Subject to this regulation, a council may temporarily close a road whilst the road is:
- (a) under construction or is being repaired; or
 - (b) being used for any purpose or activity whereby the passage of ordinary traffic along the road may constitute a danger to the public.
- (2) In exercising a power under subregulation (1) a council shall give not less than 7 days notice of the proposed road closure by a notice in a newspaper circulating in the council area.
- (3) Subject to this regulation, the clerk of a council may, in an emergency, temporarily close a road where:
- (a) the road is impassable by reason of damage or an obstruction;
 - (b) it could be dangerous to use the road; or
 - (c) emergency repairs or other road works are or are about to be carried out on the road or on an adjoining road.
- (4) A clerk shall, as soon as practicable after a road is closed under subregulation (3) and it appears the road will be closed for more than 24 hours, give notice of that closure by notice in a newspaper circulating in the council area and, if practicable, by radio and/or television broadcast.
- (5) A closure under subregulation (3) ceases at the expiration of 28 days after the road is closed unless the council approves the closure within that time.
- (6) Where a road is closed under this regulation such fences, barriers and notices may be erected on or across or at the approaches to the road as the clerk thinks appropriate.

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- (7) A person shall not, without the permission of the clerk, interfere with a fence, barrier or notice erected in pursuance of subregulation (6).

Penalty: \$1,000.

- (8) A closure of a road under this regulation shall not continue for a period greater than 3 months.

12 Temporary closure where road subject to deterioration

- (1) Where a council is satisfied that the possibility of flooding, abnormally dry conditions or other exceptional circumstances may make a road subject to deterioration by the passage of vehicles, it may:

- (a) close the road;
- (b) restrict the use of the road to vehicles which do not exceed a specified mass or which belong, or do not belong, to vehicles of a specified class; or
- (c) impose such other restrictions on the use or manner of use of the road as it thinks fit.

- (2) In exercising a power under subregulation (1) a council shall, as soon as practicable, give notice of its decision in a newspaper circulating in the council area and, if practicable, by radio and/or television broadcast.

- (3) Where a road is closed or its use restricted under this regulation such fences, barriers and notices may be erected on or across or at the approaches to the road as the clerk thinks appropriate.

- (4) A person shall not, without the permission of the clerk, interfere with a fence, barrier or notice erected in pursuance of subregulation (3).

Penalty: \$1,000.

- (5) Where a council is satisfied that a road is no longer subject to deterioration by the passage of vehicles it shall revoke any decision made under subregulation (1), cause any fence, barrier or sign erected under subregulation (3) to be removed and, in like manner to that of giving notice of its original decision, give notice of the revocation of that decision.

13 Territory may act for council

- (1) A council may, through the Minister, request the Territory to permanently close a road on behalf of and in pursuance of a proposal of the council to that effect under regulation 3.

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- (2) These Regulations, with the necessary changes, shall apply to the Territory in closing a road under this regulation as if it were a council.
 - (3) The costs, or such part (if any) of them as the Minister thinks fit, of closing a road under this regulation may be recovered by the Territory from the council that requested the closure.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Local Government (Road Opening and Closing) Regulations (SL No. 17, 1994)

Notified	1 July 1994
Commenced	1 July 1994