

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF LOCAL GOVERNMENT (ROAD OPENING AND  
CLOSING) REGULATIONS

---

Regulations 2002, No. 5

---

TABLE OF PROVISIONS

Regulation

1. Principal Regulations
2. Interpretation
3. New Division heading  
*Division 1 – Construction of temporary road*
4. New Division heading  
*Division 2 – Temporary closure due to repairs, possible deterioration etc.*
5. Temporary closure for reconstruction, repairs etc.
6. Temporary closure in emergency
7. New Division  
*Division 3 – Temporary closure to protect persons, property etc.*
  - 24A. Temporary closure to protect persons, property etc.
  - 24B. Notices relating to proposed closure
  - 24C. Objections etc. relating to proposed closure
  - 24D. Commencement of closure
  - 24E. Alteration of operation of closure
  - 24F. Objections etc. relating to proposed alteration
  - 24G. Revocation of closure
8. New Division heading  
*Division 4 – Traffic control devices*
9. New regulation
  26. Removal of barriers etc.
10. Further amendments

SCHEDULE



# NORTHERN TERRITORY OF AUSTRALIA

---

Regulations 2002, No. 5\*

---

## Regulations under the *Local Government Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Local Government Act*.

Dated 27 March 2002.

J. C. ANICTOMATIS  
Administrator

By His Honour's Command

S. STIRLING  
Minister for Employment, Education and Training  
acting for and on behalf of the  
Minister for Local Government

---

---

\* Notified in the *Northern Territory Government Gazette* on 10 April 2002.

**AMENDMENTS OF LOCAL GOVERNMENT (ROAD OPENING AND CLOSING) REGULATIONS**

**1. Principal Regulations**

The Local Government (Road Opening and Closing) Regulations are in these Regulations referred to as the Principal Regulations.

**2. Interpretation**

Regulation 2 of the Principal Regulations is amended by inserting after the definition of "close" in subregulation (1) the following:

" 'road' means a road that is under the care, control and management of a municipal council or community government council by virtue of section 131 of the Act;"

**3. New Division heading**

Part 6 of the Principal Regulations is amended by inserting after the heading the following:

*"Division 1 – Construction of temporary road"*

**4. New Division heading**

Part 6 of the Principal Regulations is amended by inserting after regulation 21 the following:

*"Division 2 – Temporary closure due to repairs, possible deterioration etc."*

**5. Temporary closure for reconstruction, repairs etc.**

Regulation 22 of the Principal Regulations is amended –

- (a) by omitting from subregulation (2) "length of time" and substituting "duration";
- (b) by omitting from subregulation (3) "Council" and "length of time" and substituting "council" and "duration" respectively; and
- (c) by omitting subregulation (4) and substituting the following:

"(4) If the duration of the closure of a road is substantially different from the estimated duration stated in the most recent notice relating to that road published under this regulation, the council must, as soon as practicable after the road is re-opened, publish in a newspaper circulating in the council area a notice of the re-opening."

*Local Government (Road Opening and Closing) Regulations*

**6. Temporary closure in emergency**

Regulation 23 of the Principal Regulations is amended –

- (a) by omitting from subregulation (3) (first occurring) "length of time" and substituting "duration"; and
- (b) by omitting subregulation (3) (second occurring) and subregulation (4) and substituting the following:

"(4) If a road remains closed under this regulation for a period exceeding 3 months, the council must publish, before the expiry of each 3 month period of the closure, in a newspaper circulating in the council area, a notice stating the details and estimated duration of the closure.

"(5) If the duration of the closure of a road is different from the estimated duration stated in the most recent notice relating to that road published under this regulation, the council must, as soon as practicable after the road is reopened, publish in a newspaper circulating in the council area a notice of the reopening."

**7. New Division**

Part 6 of the Principal Regulations is amended by inserting after regulation 24 the following:

*"Division 3 – Temporary closure to protect persons, property etc.*

**"24A. Temporary closure to protect persons, property etc.**

"(1) A council may temporarily close a road if it is satisfied that the closure is necessary or desirable –

- (a) for the protection of persons, property or animals on the road or on land adjoining the road; or
- (b) due to any other exceptional circumstance.

"(2) The temporary closure of a road under this regulation may operate, for a duration not exceeding 3 years, in one of the following ways:

- (a) for a period or periods of time during particular days of the week (including every day of the week) as determined by the council;
- (b) for a period of days, weeks, months or years as determined by the council.

*Local Government (Road Opening and Closing) Regulations*

**"24B. Notices relating to proposed closure**

"(1) If a council proposes to temporarily close a road under regulation 24A, it must give written notice of the proposal –

- (a) to the Minister; and
- (b) to the member of the Legislative Assembly for the electoral division in which the road is situated,

who may, within 28 days of receiving notice, make recommendations to the council in relation to the proposed closure.

"(2) The notice given under subregulation (1) is to be accompanied by a plan showing the position of the road to be closed and is to contain the following information:

- (a) the name and description of the road;
- (b) the reasons for the council's proposal to temporarily close the road;
- (c) the proposed operation of the closure, including –
  - (i) whether the road is to be closed completely to all traffic or partially closed by means of a specified restriction;
  - (ii) the duration of the operation of the closure and the period or periods when the road is to be closed during that operation, as applicable; and
  - (iii) the locations where traffic control devices for the purposes of the closure will be erected;
- (d) the name and last-known address of each owner of land adjoining the road.

"(3) The council must publish in a newspaper circulating in the council area a notice of the proposed temporary closure –

- (a) containing the information referred to in subregulation (2);
- (b) stating that a person may object to the proposed closure, not later than 28 days after publication of the notice, by advising the council in writing of the objection and the reasons for it; and
- (c) including, if the council considers it necessary or desirable, a plan showing the position of the road to be closed.

## *Local Government (Road Opening and Closing) Regulations*

"(4) The council must give written notice and details of the proposed temporary closure to the Agencies or bodies providing or maintaining utilities on, in or over land that will be affected by the closure.

### **"24C. Objections etc. relating to proposed closure**

"(1) If the council receives objections to the proposed temporary closure made within the time specified in the notice published under regulation 24B(3), the council must –

- (a) consider each objection; and
- (b) accept or reject it.

"(2) Not later than 3 months after the expiry of the time for objections specified in the notice published under regulation 24B(3), the council must –

- (a) determine whether or not to proceed with the closure;
- (b) if proceeding with the closure – determine whether to vary the operation of the closure as notified under regulation 24B(3); and
- (c) publish in a newspaper circulating in the council area a notice of its determination, including any variations as determined under paragraph (b).

"(3) The council may determine to vary the operation of the closure only in a manner that will not substantially alter the proposal as notified under regulation 24B(3).

"(4) In deciding whether or not to proceed with the closure, but without affecting the power to form an opinion or exercise a discretion, the council must have regard to recommendations made under regulation 24B(1) within the time referred to in that subregulation.

### **"24D. Commencement of closure**

"If the council determines under regulation 24C to proceed with the temporary closure, it must commence the operation of the closure not later than 3 months after making the determination.

### **"24E. Alteration of operation of closure**

"(1) A council may determine to alter the operation of the temporary closure of a road by one or both of the following methods:

- (a) by altering the period or periods of closure;

*Local Government (Road Opening and Closing) Regulations*

- (b) by extending the duration of the operation, but only if the duration as altered will not exceed 3 years from the date of commencement of the operation of the temporary closure under regulation 24D.

"(2) If a council proposes to alter the operation of the temporary closure of a road, it must, not less than 2 months before the end of the period of operation, publish in a newspaper circulating in the council area a notice stating –

- (a) the reasons for the council's proposal to alter the operation;
- (b) the manner in which the operation is to be altered; and
- (c) that a person may object to the proposed alteration, not later than 21 days after publication of the notice, by advising the council in writing of the objection and the reasons for it.

"(3) The council must give written notice and details of the proposed alteration –

- (a) to the Minister and to the member of the Legislative Assembly for the electoral division in which the road is situated who may, within 21 days of receiving notice, make recommendations to the council in relation to the proposed alteration; and
- (b) to the Agencies or bodies providing or maintaining utilities on, in or over land that will be affected by the closure.

**"24F. Objections etc. relating to proposed alteration**

"(1) If the council receives objections to the proposed alteration made within the time specified in the notice published under regulation 24E, the council must –

- (a) consider each objection; and
- (b) accept or reject it.

"(2) Not later than one month after the expiry of the time for objections specified in the notice published under regulation 24E, the council must –

- (a) determine whether or not to proceed with the alteration;
- (b) if proceeding with the alteration – determine whether to vary the alteration as notified under regulation 24E; and
- (c) publish in a newspaper circulating in the council area a notice of its determination, including variations as determined under paragraph (b).

*Local Government (Road Opening and Closing) Regulations*

"(3) The council may determine to vary the alteration of the operation of the closure only in a manner that will not substantially alter the proposal as notified under regulation 24E.

"(4) In deciding whether or not to proceed with the alteration, but without affecting the power to form an opinion or exercise a discretion, the council must have regard to recommendations made under regulation 24E(4)(a) within the time referred to in that subregulation.

**"24G. Revocation of closure**

"A council may, at any time during the operation of a temporary closure of a road under this Division, revoke its determination to close the road and publish in a newspaper circulating in the council area a notice of the revocation."

**8. New Division heading**

The Principal Regulations are amended by inserting before regulation 25 the following:

*"Division 4 – Traffic control devices".*

**9. New regulation**

The Principal Regulations are amended by inserting after regulation 25 the following:

**"26. Removal of barriers etc.**

"As soon as practicable after a council re-opens a road that was temporarily closed under this Part, the council must remove all traffic control devices, barriers or fences erected for the purposes of the closure."

**10. Further amendments**

The Regulations are amended as set out in the Schedule.

---



*Local Government (Road Opening and Closing) Regulations*

**SCHEDULE**

Regulation 10

Provision	Amendment	
	omit	substitute
Regulation 7(4)	3 months	4 months
Regulations 9(3)(a) and 14(d)(i)	Planning	Development Consent
Regulation 24(2)	length of time	duration
Regulation 24(3)	Council	council
	length of time	duration
Regulation 25(2)	\$1,000.	10 penalty units.
Regulation 25(3)	\$3,000	30 penalty units
Part 7	the whole Part	