

## Attachment 3

**From:** Leasa Hutchins <[leasa.hutchins@crowland.nsw.gov.au](mailto:leasa.hutchins@crowland.nsw.gov.au)>  
**Sent:** Friday, 1 April 2022 12:15 PM  
**To:** Gary Murphy <[Gary.Murphy@warrumbungle.nsw.gov.au](mailto:Gary.Murphy@warrumbungle.nsw.gov.au)>  
**Cc:** Records Officer <[info@warrumbungle.nsw.gov.au](mailto:info@warrumbungle.nsw.gov.au)>  
**Subject:** Cassilis St - Access to Lot 1 DP 528474 - Proposed Council Road Closure

Good morning Gary

As discussed, please find attached, information relating to the partly unformed Cassilis St Coonabarabran that provides legal access to Lot 1 DP 528474 (Brendon Jones).

In addition I have attached fact sheets on Council road closings and determining the status of a road.

Templates have been created to assist Councils with the Council road closure procedure and can be obtained by emailing a request to: [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au).

Kind regards

**Leasa Hutchins, Property Management Project Officer**

Crown Lands | Department of Planning and Environment  
Wiradjuri Country | 45 Wingewarra St, Dubbo NSW 2830 | PO Box 2185, Dangar NSW 2309  
T 02 6883 5404 E [leasa.hutchins@crowland.nsw.gov.au](mailto:leasa.hutchins@crowland.nsw.gov.au)  
[www.crowland.nsw.gov.au](http://www.crowland.nsw.gov.au) | [www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



**Our Vision:** Together, we create thriving environments, communities and economies.

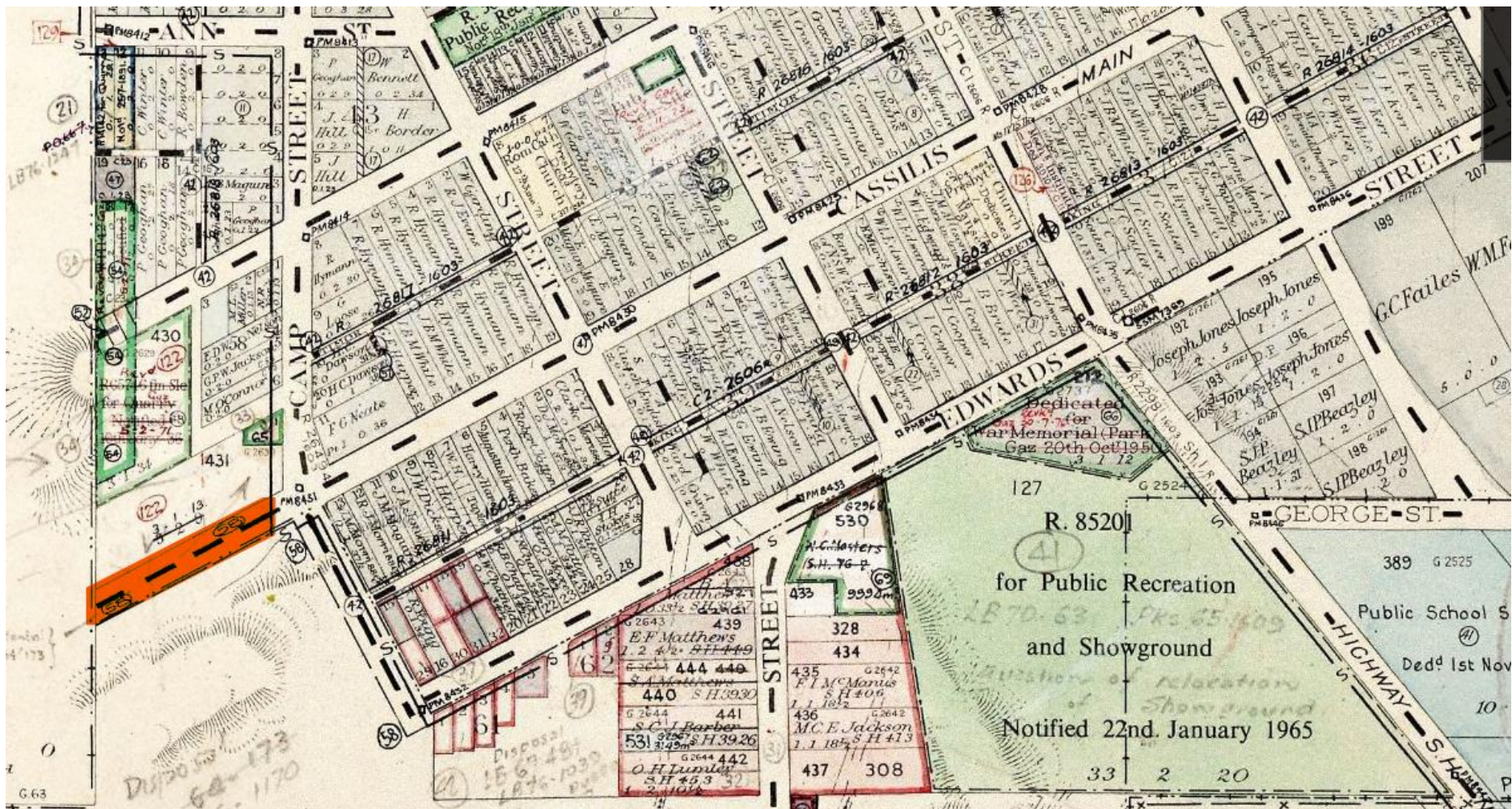
*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

# Historical Town Map - Coonabarabran



### DISTINCTIVE BOUNDARIES ETC.

State	— + — +
Territorial Division	— — — —
County	— x — x
Parish	— . — .
Land District	— — — + +
Shire	— — — + + +
Urban Area	— — — x
City, Town or Village	— . . — . .
Town or Village under Local Govt. Act	— + + . . — + + . .
Suburban	— + . . — + . .
Municipality (or City under Local Govt. Act)	— — — — x
Police Offences Act	— — — + . +
Developmental Scheme (Town & Country Planning)	— + — + x
Regulation of Buildings Area	— — — o o
Proclaimed Gold or Mineral Field	—   —
Reserve from Conditional Sale within Gold Field	—    —
Fauna Protection Dist. or Bird and Animal Sanct.	— ◊ — ◊
Pastures Protection District	— o — o
State Forest	— — — . .
National Forest	— + — . .
State Coal Mine	— — — □
Catchment Area	— — — x x
Survey Area	— s — s
Reserve from Lease or License	— — — —
Reserve from Sale, Lease or License	— — — —
Reserve from Sale	— — — —
Reserve from Occupation under Mining Act	— △ — △ — △ — △
Reserve from Mining Lease	— △ — △ — △ — △
Public road - Except Private Subdivision Roads etc. (Full width unless otherwise noted)	— — — —
Private Subdivision	— + + + + + + + +
Trigonometrical Station Major (with Altitude in feet)	△ LETT 612 FT.
Trigonometrical Station Minor (with Altitude in feet)	○ 75 FT.
Observing Station	△ 1888 VAR 9'15"
Pilliga Scrub	▨



### REFERENCE NOTES

Numbers shown in circles on map

58 Roads declared public. Gaz. 7-9-73

(6599) Sydney, 7th September, 1973.

## ERRATUM

*Land District—Taree; Shire—Manning; Parish—Bohnock; County—Gloucester*

IN the notification under the Public Roads Act, 1902, appearing in the Government Gazette of 10th August, 1973, folio 3468, in connection with the widening of part of road from Taree to Old Bar delete reference to plan "R. 33900-1603a" where appearing in the heading and insert in lieu thereof "R. 33910-1603a". Rds 73-609.

T. L. LEWIS, Minister for Lands.

(6550) Department of Lands, Sydney, 7th September, 1973.

## GEOGRAPHICAL NAMES ACT, 1966

A proposal to assign the name DENHAM as a geographical name, to a locality situated between Leppington and Ingleburn, was notified in Government Gazette No. 21 of 25th February, 1972, folio 716, and in two newspapers circulating in the area.

Having considered all objections to the proposal, the Board has this day assigned the name DENHAM COURT to the locality in the vicinity of Denham Court Road, County Cumberland, Parish Minto, Cities of Campbelltown and Liverpool, in PENRITH 9030 II 1:100,000 map area.

D. C. MILLER, Secretary, Geographical Names Board.

(6452) Department of Lands, Sydney, 7th September, 1973.

## GEOGRAPHICAL NAMES ACT, 1966—ERRATUM

THE Geographical Names Board of New South Wales has this day assigned the following recorded names as geographical names in BURAJA 8126 1:100,000 map area, on Lands Department 1:50,000 maps of LOWESDALE, OAKLANDS, in Counties Denison, Hume, Urana, Land Districts Corowa, Urana, Shires of Corowa, Urana, within the area bounded by 35° 30', 36° 00' and longitudes 146° 00', 146° 30'.

## LOWESDALE MAP

<i>Geographical Name Assigned</i>	<i>Designation</i>	<i>Parish</i>
Buraja	Locality	Buraja
Buraja	Parish	Buraja
Collendina	Parish	Collendina
Collendina	Locality	Turramia
Corowa	Parish	Corowa
Corowa	Town	Corowa
Denison	Parish	Denison
Dicks Plain	Locality	Mulwala
Dry Forest	Parish	Dry Forest
Gray	Parish	Co. Hume
Hanleys Plain	Locality	Mulwala
Hard Swamp	Swamp	Gray
Hopefield	Railway Station.	Buraja
Horse Swamp	Swamp	Gray
Kangaroo Swamp	Swamp	Sandy Ridges
Keoghs Island	Island	Quat Quatta
Lake Mulwala	Lake	Mulwala
Lambing Plain	Locality	Turramia
Lightning Plain	Locality	Collendina
Lowes	Parish	Lowes
Merton Vale	Locality	Sandy Ridges
Mulwala	Parish	Mulwala
Mulwala	Town	Mulwala
Mulwala Canal	Canal	Mulwala
Nulla Nulla Swamp	Swamp	Corowa
Nulla Nulla	Trig. Station	Corowa
Rennie	Village	Denison
Rennie Railway Station	Railway Station.	Denison
Ringwood	Locality	Denison
Ringwood Tank	Tank	Sandy Ridges
Ringwood State Forest	Forest	Sandy Ridges
Sandy Ridges	Parish	Sandy Ridges
Savernake	Parish	Savernake
Sloane Railway Station	Railway Station.	Mulwala
Sloane Tank	Tank	Wahgunyah
Sovereign Swamp	Swamp	Richmond
Turramia	Parish	Turramia
Wahgunyah	Parish	Wahgunyah
Warragoon	Railway Station.	Wahgunyah
Wheatlands	Locality	Gray
Whisky Swamp	Swamp	Richmond
Wooshed Plain	Locality	Collendina

## OAKLANDS MAP

<i>Geographical Name Assigned</i>	<i>Designation</i>	<i>Parish</i>
Billabong Forest	Parish	Co. Hume
Blades Tank	Tank	Granville
Boregerry	Parish	Co. Urana
Bull Plain	Locality	Bull Plain
Bull Plain	Parish	Co. Denison
Burrangong	Parish	Co. Hume
Burrangong	Trig. Station	Burrangong
Clear Hill	Parish	Co. Urana
Coads Tank	Locality	Gordon
Coreen Trig. Station	Trig. Station	Granville
Coreen State Forest	State Forest	Gordon
Coreen Tank	Tank	Lowes
Coreen West	Parish	Co. Denison
Daysdale	Village	Gordon
Denison	Parish	Co. Denison
Emu Park	Locality	Coreen West
Gordon	Parish	Co. Hume
Granville	Parish	Co. Hume
Gunambill	Parish	Co. Urana
Gunambill	Trig. Station	Clear Hill
Henty	Parish	Co. Urana
Lonesome Pine State Forest.	State Forest	Lowes
Lowes	Parish	Co. Hume
Mahonga	Parish	Co. Hume
Mahonga Forest	Parish	Co. Hume
Momolong	Parish	Co. Denison
Narrow Plains	Parish	Co. Denison
Oaklands	Town	Clear Hill
Oaklands Railway Station.	Railway Station.	Clear Hill
Osborne	Parish	Co. Hume
Palmer	Parish	Co. Urana
Rand	Parish	Co. Hume
Richmond	Parish	Co. Hume
Wangamong	Parish	Co. Denison
Wangamong Railway Station.	Railway Station.	Wangamong
Wilson	Parish	Co. Hume

(This notice is in lieu of and cancels the one previously notified in Government Gazette No. 62 of 11th May, 1973, folio. 1730.)

D. C. MILLER, Secretary, Geographical Names Board.

(6597) Sydney, 7th September, 1973.

## DECLARATION OF ROADS TO BE PUBLIC ROAD UNDER PROVISIONS OF THE PUBLIC ROADS ACT, 1902.

IT is hereby notified in pursuance of the provisions of section 18, Public Roads Act, 1902, as amended that the roads hereunder described, are hereby declared to be public road and dedicated to the public accordingly.

T. L. LEWIS, Minister for Lands.

## Descriptions

*Land District and Shire—Coonabarabran*

Parish Coonabarabran, County Gowen, a strip 30.175 metres wide generally south from the road northwest of portion 450, end of road and portion 427 adjoining the western and southwestern boundaries of portions 427 and 428 and road 30.175 metres wide southwest of portions 428 and 429 and its southeasterly prolongation 30.175 metres wide to Barker Street; road 20.115 metres wide west of portion 470.

Parish and Town Coonabarabran, County Gowen, non-public part Cassilis Street 30.175 metres wide generally south of portion 431; road 30.175 metres wide southwest of section 57 and its southeasterly prolongation 30.175 metres wide being the non-public part of Edwards Street; East Street 30.175 metres wide southeasterly from T.S.R. 71338 notified 3rd November, 1944, to Cassilis Street; Cassilis Street 30.175 metres wide southeast of portion 466 and end of East Street; Edwards Street 30.175 metres wide northeasterly from Knight Street; road 20.115 metres wide separating portion 316, closed lane and portion 323 from portions 317 and 322; road 30.175 metres wide northeast of portions 319 and 320 between Cassilis and Edwards Streets. (Council reference: 5266/73.) Rds 73-988.

## Council road closures—a guide for councils

From 1 July 2018, councils will have the power to close council public roads. This change responds to council submissions to the [Crown Lands Management Review](#) white paper.

Part 4 Division 3 of the [Roads Act 1993](#) (the Roads Act) outlines the new legislative requirements for councils.

### Benefits to councils

The changes coming into force from 1 July enable a streamlined process for councils when closing council public roads. Councils no longer need to apply to NSW Department of Industry—Lands & Water (the department) to close council public roads.

Legislative safeguards are in place to help councils undertake a robust notification and submission period before deciding whether to close a council public road. Safeguards include the right for any person or class of person referred to in Section 38B(1)(b) of the Roads Act to appeal a decision in the Land & Environment Court.

### A guide to closing council public roads

To help councils navigate the new council road closure process, the department, acting in good faith, has prepared this guide and supporting material. The council road closure guide provides general information on:

- road status and construction
- vesting of council roads on closure
- the notification process
- closing roads for giving in compensation.

#### Road status and construction

Before proposing to close a council road, councils should complete preliminary checks on road status and construction. The preliminary checks prevent councils spending unnecessary time and resources on proposals that cannot be processed by councils or do not fit with council plans and strategies.

For proposals that progress to notification stage, council's road status report and road construction declaration demonstrate to the department that council is the roads authority and the road will remain vested with council upon closure.

#### Road status report

Councils must provide the department with evidence to confirm that the road proposed for closure is opened or dedicated as a council public road. Councils cannot close non-council roads.

Where the road was dedicated from freehold land, councils will find it useful to identify the prior volume folio or old system grant.

[Part 2 Division 2](#) of the Roads Act provides a mechanism for councils to resolve doubts concerning the status of certain roads.

NSW Land Registry Services has useful information online regarding the [closure of council public roads created in subdivisions before 1920](#).

Information brokers can provide specialised titling support if councils require assistance. NSW Land Registry Services lists a number of approved [information brokers](#).

## Construction declaration

Council's determination of construction affects who the road vests with on closure.

The dictionary of the *Roads Act 1993* does not specifically define 'construction' in terms of section 38E(2) of the Act. The definitions of 'road work' and 'carry out road work' in the dictionary of the Roads Act appear to be related to 'construction'. Councils may give consideration to developing an agreed set of guiding principles on what constitutes 'construction'.

Examples of current or historical construction within road corridors may include:

- bitumen-sealed road formations
- gravel or other road-base material
- formed footpaths and/or kerb and guttering
- slashing or clearing of vegetation
- mowing.

The department will accept a written declaration of road construction from councils. Council's construction declaration will form the basis of the department's response.

## Vesting of council roads on closure

The vesting of council roads on closure remains unchanged by the *Roads Act 1993* amendments.

When a constructed council public road is closed, it remains vested in council as council land. Councils may facilitate the subsequent sale of the council land and receive the proceeds of sale.

The department no longer has the power to close unconstructed council roads. Councils are required to process the closure of suitable unconstructed council public roads even though the roads will vest in the Crown upon closure.

When looking to close an unconstructed council road, council should forward its road closure proposal to [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au) in the early stages to identify options to progress the outcome sought where possible.

When an unconstructed council public road is closed, it becomes vested in the Crown as Crown land. The department will object to the proposed closure if the consequential vesting in the Crown is considered unsuitable according to departmental policy.

Councils are not able to facilitate the sale of an unconstructed council road or receive the proceeds of any subsequent sale.

## Sale of a closed, unconstructed council public road

Section 42(1) of the Roads Act outlines that Crown land forming part of a former public road must be dealt with under the *Crown Land Management Act 2016* (the CLM Act). Any proposal to sell a former public road under the CLM Act may require consultation in line with the department's Community Engagement Strategy (CES).

Funds received from the sale of Crown land, including former unconstructed council roads, are retained by the Crown.

## Notification process

The department has created the following resources to support councils with the notification process:

- newspaper notice
- notice to adjoining landowners
- notice to NSW Department of Industry—Lands & Water
- notice to notifiable authorities excluding NSW Department of Industry—Lands & Water

- notifiable authority contact list.

Councils must:

- use the specific NSW Department of Industry—Lands & Water notice template when forwarding road closure notices to the department
- provide the department with a road status report and a determination of road construction
- notify the department of closed, unconstructed, council roads, by emailing a copy of the gazette notice, registered survey plan (and 88B where required), and any other relevant information
- send all NSW Department of Industry—Lands & Water notifications and supplementary information to [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au).

It is council's responsibility to notify any person or class of persons with an interest in the road closure. This includes authorities not covered by section 38B(1)(b) that have infrastructure within the road.

## Closing roads for giving in compensation

Section 44 provisions in the Roads Act remain unchanged. Land forming part of a former public road may still be given in compensation for other land acquired for the purposes of the Roads Act.

Where council has an interest in Crown roads for the purpose of giving in for compensation, contact should be made with the local office or by emailing an enquiry to [cl.enquiries@crowland.nsw.gov.au](mailto:cl.enquiries@crowland.nsw.gov.au).

## More information

To ensure departmental response, please email all council road closure proposals with the status report and construction declaration to [council.roadclosures@crowland.nsw.gov.au](mailto:council.roadclosures@crowland.nsw.gov.au).

A suite of supporting information for councils is available from the [department's website](#).

Enquiries to close or purchase Crown roads may be directed to [roads.newcastle@crowland.nsw.gov.au](mailto:roads.newcastle@crowland.nsw.gov.au) or 1300 886 235.

---

© State of New South Wales through the NSW Department of Industry 2018. You may copy, distribute and otherwise freely deal with this publication for any purpose, provided that you attribute the NSW Department of Industry as the owner. The content of this publication is provided in good faith and does not constitute legal advice. You should seek legal or other professional advice before acting or relying on any of the content. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2018). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and reliable.

## Road status - Crown or council?

When considering road purchase, you must first identify who controls the road. Public roads are generally controlled by the Crown or the local council.

This fact sheet outlines a basic method to identify whether a road is controlled by the Crown or council. Once you have determined road status, you may submit a Crown road purchase application to purchase a Crown road or contact your local council to purchase a council road.

### Parish Maps

Parish maps provide useful road and land status information dating back to the 1800's. They can be viewed free-of-charge in the Historical Land Records Viewer (HLRV) at [NSW Land registry Services Online](#).

### What parish is the road is in?

Your certificate of title displays useful parish details where the road is within or adjoining your property (Figure 1). Alternatively, you may find your parish by searching the internet or contacting your local council.

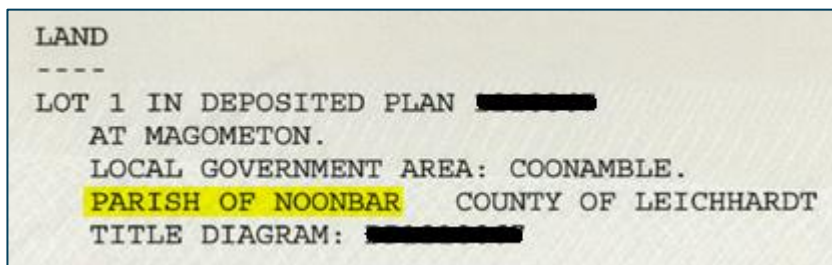


Figure 1: Extract of certificate of title identifying parish name

### Using Historical Land Record Viewer (HLRV)

The HLRV home page will display a search facility in the top right of the page. To start searching, search by "Attribute", then "Parish name" from the drop-down box and enter the name of your parish (Figure 2).

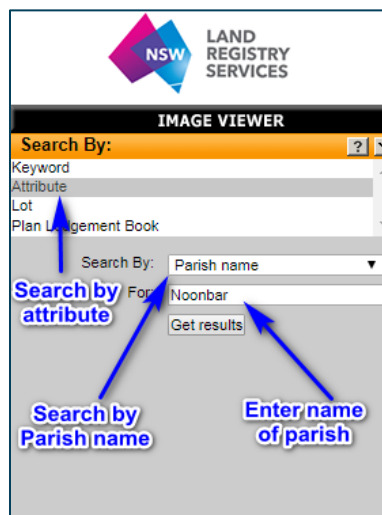


Figure 2: Searching by Attribute in HLRV

Upon clicking "Get results", you will receive a list of different parish maps. Choose the Regional Charting Maps as a starting point (Figure 3), but be aware that the remaining maps may also have relevant information.



Search results: (8 documents found)			
Collection	Image Type	County name	Parish name
Regional Charting Maps	Parish Map	Leichhardt	Noonbar
Status Branch Charting Maps	Parish Map	Leichhardt	Noonbar
LTO Charting Maps	Parish Map	Leichhardt	Noonbar
Historical Parish Maps	Parish Maps	Leichhardt	Noonbar

Figure 3: Example of the types of parish maps available

## What do Crown and council roads look like on a parish map?

Council roads are identified as corridors with thick black dashed lines. Figure 4 shows an extract from a typical parish map legend. Council roads are referred to here as “public roads”.



Figure 4: Extract from parish map legend indicating public road (Council road)

Crown roads are shown as empty corridors or at times corridors with red hatching. See Figures 5 and 6 for examples of what Crown and Council roads look like on parish maps.

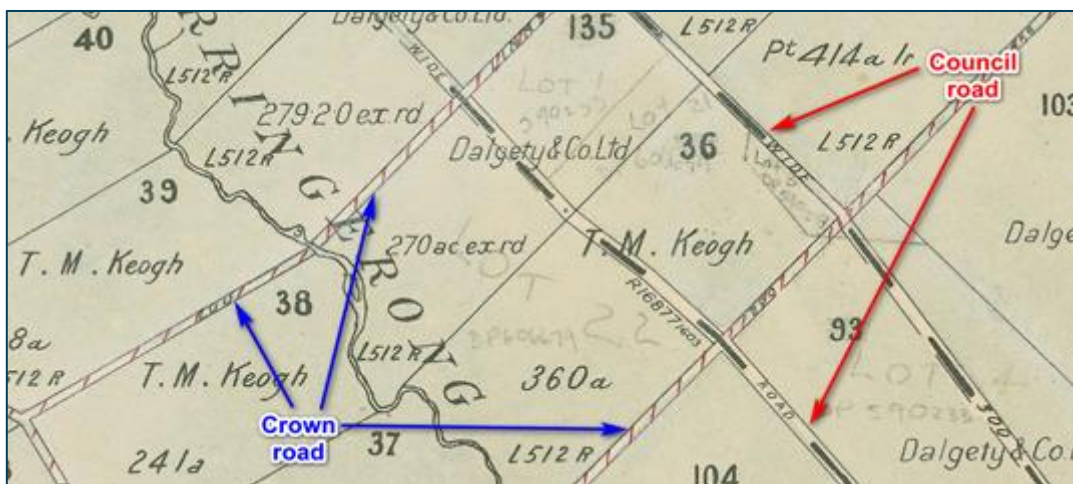


Figure 5: Extract from parish map indicating Crown roads and Council roads

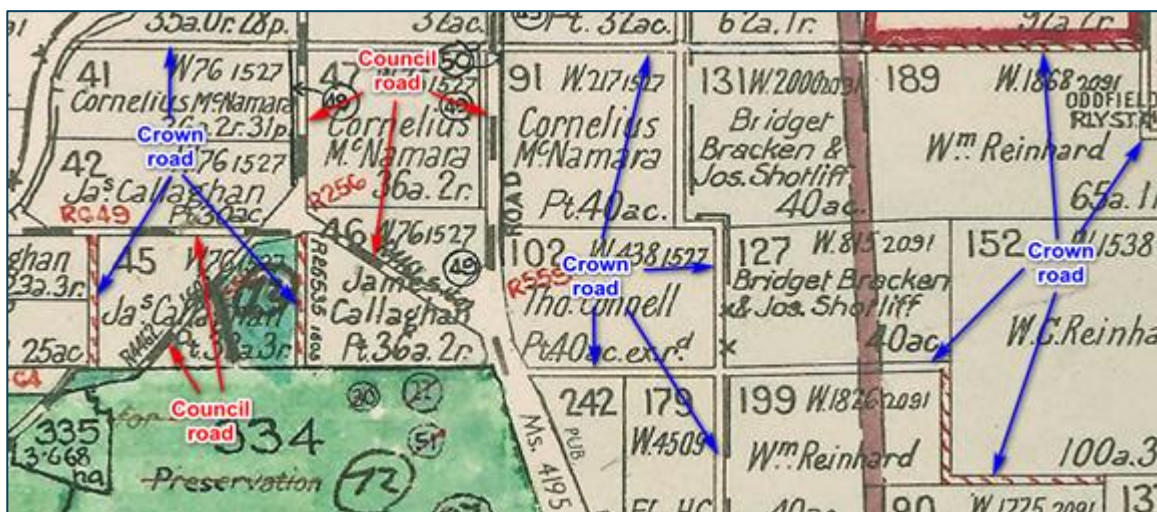


Figure 6: Extract from parish map indicating Crown roads and Council roads.

Some roads may have a reference note associated with them. A reference note is indicated by a black circle with a black number within and indicates that an action has taken place over the road. The 'Reference Notes' table on the parish map will provide further details regarding the notation.

Some reference notes may mention a NSW Government Gazette date and folio. These gazette folios may be found for free in [Trove](#) through a 'browse by date' search.

## Inconclusive parish map records

Recently-created roads and subdivisions may not be shown on the parish maps as the maps have stopped being charted.

## Paid searches

Fee-for-service searches are available if you are unable to identify road status through searching parish maps.

- NSW Land Registry Services has a number of approved [Information Brokers](#) that can provide specialised road status assistance
- Crown Lands also has a fee-for-service status search facility. Enquiries may be directed to [searches@crowland.nsw.gov.au](mailto:searches@crowland.nsw.gov.au) or by calling 1300 886 235 (Option 4 then Option 2).

## Aerial imagery

[SIX Maps](#) is a free NSW Government spatial service that may provide useful aerial imagery regarding the road you wish to purchase. Prior to searching, it is recommended to select 'Lot Labels', 'Dynamic Labels' and 'Lot Boundaries' within the 'Map Contents' button (Figure 7).

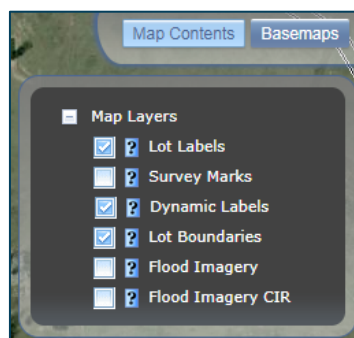


Figure 7: Extract from SIX Maps showing layer options