

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mr Gerry Wood (Member for Nelson) to Minister for Planning and Lands

Acquisition of land, Hundred of Hart**QUESTION**

What discussions were held with the landowners directly affected by this proposed road.

ANSWER

Two roads have recently been opened in the Hundred of Hart in the vicinity of Litchfield Park and Marindja roads. It is not known which road is the subject of the question.

Discussions included matters such as the process to open a road, the legislation involved, notifications, gazettals, width of road reserve, access for surveyors, survey, objections, dealings re statutory vesting, access issues, valuation, severance and compensation, fencing, double gateways and issues relating to existing locked gates across the road.

McCallum Road

On 14 September 2007, courtesy letters were sent to affected landowners advising that the Department of Planning and Infrastructure (the Department) was looking to commence actions to accommodate legalised physical access through their properties (Sections 1906, 1864, 1863, 1854, 1855, 1846, 1847, 1834, 1833, 1926, 1825, 1824, 1816, 1815, 1811 and 1810 Hundred of Hart).

Wallman Road

On 4 December 2007 a courtesy letter was sent to the affected landowner advising that a Proposal to Open Road notice had been published in NT Government Gazette S38 on 4 December 2007.

The procedure for opening a road is governed by the *Control of Roads Act*. The procedure provides for a Proposal to Open Road to be published by way of notice in the NT Government Gazette and a local newspaper. The notices include the names of any landowners with property adjacent to the proposed road. Although not a requirement, in the above instances, affected landowners were also notified by registered mail upon publication of the proposal.

Following publication of the proposals, persons who wished to object to the proposed road opening had a period of twenty eight days from and including the date of gazettal to serve a notice stating grounds of their objection on the Minister for Planning and Lands. The proposal and any objections were considered by the Minister and an Order to Open Road was published in the NT Government Gazette and a local newspaper. Upon publication in the Gazette the land taken for a new road is vested in the Territory. The statutory vesting dealings have been registered on each affected landowners title.

QUESTION

Where were these discussions held?

ANSWER

Discussions were by phone, face to face, email and letters involving the Department of Planning and Infrastructure, Minister for Planning and Lands and landowners and their solicitors.

QUESTION

On what dates were these discussions held?

ANSWER

In relation to McCallum Road ongoing between 14 September 2007 to present.

In relation to Wallman Road ongoing between 4 December 2007 and present.

QUESTION

Who attended these discussions?

ANSWER

Officers from the Land Administration Division and the Minister's Office were involved in various discussions with affected landowners or their solicitors.

QUESTION

Who initiated the request for a public road?

ANSWER

In relation to both roads, the Department of Planning and Infrastructure recommended commencement of actions to open a road under the *Control of Roads Act* on an existing "all weather track" following investigation into access issues in the area.

QUESTION

What discussions were held with the landowners directly affected by this proposed road?

ANSWER

As above.

QUESTION

What are the reasons for this new road?

ANSWERMcCallum Road

To provide legal and physical access from Litchfield Park Road north along an existing "all weather" track running north/north west through freehold properties as negotiations regarding access between the landowners were not successful.

Wallman Road

To provide legal and physical access from Marindja road south along an existing "all weather" track through a freehold property as negotiations regarding access between landowners were not successful.

The roads give access to properties through which they pass.

The basic issue was the impracticality of physical access being achieved along old Goyder roads which were surveyed with no regard to topography, have never been built and which in the main are impassable.

QUESTION

Why is it 100 metres wide?

ANSWER

A rural local road is 100 metres minimum to allow for drainage within the road reserve, flexibility in any potential future alignment or straightening of a road, to avoid any sacred sites and wet areas and to take into account any environmental issues.

QUESTION

Why does the road stop at one property and not continue through that property to the next properties?

ANSWER

McCallum Road stops at its intersection with an old east west Goyder road adjacent to the northern boundary of Section 1909 Hundred of Hart ("Grandma's block") owned by Johanne Townsend because the existing all weather track also stopped in this location.

Wallman Road stops at its intersection with an old east west Goyder road adjacent to the southern boundary of Section 1896 Hundred of Hart owned by Farraday Pty Ltd as the owner of Section 1885 Hundred of Blythe on the southern side of the old east west Goyder road was agreeable to negotiating an access easement through his land for properties further to the south.

QUESTION

Will the road be fenced, if so, who will pay?

ANSWER

The Territory will fence the boundaries between the road reserves and the adjoining properties.

QUESTION

Is there any compensation for the loss of land to be paid to the landowners?

ANSWER

Yes.

QUESTION

What allowance in the design of the road has been given to the movement of cattle from one side of the proposed road to the other so that cattle can access water found only on the eastern side of the road?

ANSWER

There will be double gateways in the boundary fence between the road reserve and the adjoining properties. These gateways will be on either side of the road reserve i.e. in any one location there will be one double gateway on the eastern side and one double gateway opposite on the western side to enable stock and machinery to cross the road.

QUESTION

When does the department intend to build this road, what is the estimated cost and what is the expected completion date?

ANSWER

The Department does not intend to build the roads. They will remain unsealed and unmaintained. However, the trenches dug across the McCallum Road pavement prior to the opening of the road have been filled in November 2008.

QUESTION

Was there Development Consent Approval given for changes to the effected parcels of land as boundaries would have changed because of the proposed road. If so, were these changes advertised?

ANSWER

These were excluded subdivisions under the *Planning Act* as it was an action under the *Control of Roads Act* to open a road and all the parts of the parcel that are not or will not be acquired for the purposes of the road will remain one parcel.

The Proposal to Open a Road notices and Order to Open Road notices published in the NT Government Gazette and NT News and provided to the landowners, advised the Survey plan numbers together with a note that plans may be inspected at the office of the Surveyor-General, National Australia Bank House, Darwin.