



KU-RING-GAI COUNCIL

Road Closure and Sale Procedures For the Information of Applicants

It is suggested that applicants read this information sheet in full prior to lodging a road closure application.

Council will give consideration to the closing of a section of constructed road and potential sale to the adjacent owner/s if it is established that the road is no longer required for any public purpose.

When assessing the merit of a road closure application, the following factors need to be considered:

- Is the land is required for current or future use as pedestrian or vehicular access to public or private land?
- Have all adjoining property owners been consulted regarding the road closure and have they provided written consent?
- Is the land is required for operational purposes e.g. provide access for infrastructure provision, pipes, stormwater drainage etc?
- Has the section of road been formed or improved in any way, including the provision of underground pipes or services?
- Does the road reserve provide a wildlife corridor?
- Would the newly created parcel infer an extra building entitlement under the current Local Environmental Plan?
- Is a re-zoning application required?
- Cost of maintaining the site versus the benefits gained from selling the land.
- The location and topography of the site may also influence the decision to support or reject an application.

If the above investigations indicate the land is not required, Council may dispose of the land at market value.

A key consideration is whether the section of road is formed or unformed. In the case of unformed roads Council generally does not support applications for a road closure of an unformed road. One reason for this is that once an unformed road is closed the ownership vests with the Crown.

If the road sought to be closed is unformed further information on the road closure process can be obtained from NSW Crown Lands Office at the following address;

http://www.crownland.nsw.gov.au/crown_land/roads/road_closing_information

Lodging a Road Closure Application

Upon receipt of a completed road closure application form for and the accompanying fee (**\$1,500.00 including GST**) which is non-refundable, the following actions are undertaken:

- 1 Comments on the proposal are obtained from relevant service authorities. (Please note that additional fees may be required by service authorities and are payable by the applicant.)
- 2 The proposal is submitted to a meeting of Council for consideration. If supported by Council, a solicitor will be engaged to prepare a Deed of Agreement or similar documentation in order to give effect to the proposal. An estimate of their fee is **\$2,500 plus GST and disbursements** which will be borne by the Applicant. Applicants should note that Council's solicitor will not give advice to the Applicant with respect to the proposal or other aspects of the conveyance involved with the sale/transfer. Where required, Applicants are encouraged to obtain their own independent legal advice.
- 3 An application is lodged with the Department of Primary Industries; Lands (Crown Lands) together with the prescribed fee (**payable by applicant**) and adjoining owners, service authorities and the general public are requested to submit comments regarding the proposal.
- 4 Crown Lands will advise of any objections or problems which must be overcome before the proposal can proceed. The applicant is responsible for overcoming objections. Upon resolving objections and receiving notice from Crown Lands that any objections have been withdrawn the proposal may proceed.
- 5 Council will require a independent valuation of the land with the cost payable by applicant (estimate **\$2,000.00-\$3,000.00 plus GST** non-refundable.)
6. The applicant prepares a road closure survey plan defining the proposed closure area and incorporating any required easements (dependent upon individual application may be between **\$1,500.00 - \$2,000.00 plus GST**).
7. If a rezoning or other LEP amendment is required, a planning proposal will need to be submitted to Council. The approximate cost is \$26,000.00 (minor sites <1ha) plus estimated advertising fees of \$3,500.00. Applicants should note this process may be expected to take 12 to 18 months. Consultation with Council's Urban Planning and Heritage section, through a Pre-Planning Proposal Lodgement Meeting, should be undertaken at the start of the process to enable early advice on the Planning Proposal. The cost of the pre lodgement meeting is \$500.00 (minor site < 1ha).
8. The survey plans are lodged with the LPI for registration (costs payable by the applicant) and the registered copy of the plan is given to Crown Lands to complete the formal closure of the road.
9. The Certificate of Title for the block of land is issued to Council and the title transferred to the applicant **upon payment of market value of the land** and transfer costs by the applicant.

As the above steps suggest, the process of closing a section of public road is costly and time consuming and may take up to 18 to 24 months to complete.

Applicants should be aware that Council does not guarantee the success of an application at any stage.

Should the application be successful the above represents estimated costs for a standard Road closure which are in addition to the initial Permanent Road Closure Application fee. In addition payment of the market value and stamp duty on transfer of the parcel of land are also required. **All costs incurred are non-refundable regardless of the outcome of the application.**

Enquiries: Please contact the Manager, Integrated Planning, Property and Assets on 9424-0858 or the Property Program Coordinator on 9424-0914 for further information.



**KU-RING-GAI COUNCIL
Road Closure Application Form**

APPLICANT: _____

ADDRESS: _____

PHONE / FAX: _____

E-MAIL: _____

Adjacent owners are also entitled to make application to purchase part of the road reserve. Joint applications with adjacent owners may also be lodged. Please attach name of additional applicants on separate page if required.

I understand that I shall be liable for all costs associated with this application including, but not limited to those detailed in the road closure information sheet.

Payment of **\$1,500.00** (including GST) non-refundable application fee is enclosed.

I am aware that Council does not guarantee the success of the application at any stage.

I request that the portion of road detailed below be considered for closure and sale.

.....
Signature of Applicant

APPLICANT'S INFORMATION CHECK SHEET

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

HOUSE NO: STREET:

SUBURB: P/CODE:

PHONE NO:

OFFICE USE ONLY
FILE NO:
FEE:
RECEIPT NO:
DATE:

THIS INFORMATION CHECK SHEET IS TO BE COMPLETED FOR COUNCIL'S RECORDS BY ALL APPLICANTS FOR ROAD CLOSURES AND TO BE LODGED WITH EVERY ROAD CLOSURE APPLICATION.

	YES	NO	N/A
1. ALL INFORMATION ON PAGE 5 OF THIS ROAD CLOSURE FORM BEING COMPLETED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. SITE PLAN/SKETCH COMPLETED SHOWING RELEVANT INFORMATION DRAWN AT OR REDUCED TO A4 SIZE (PAGE 7 OF THIS FORM)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. PAYMENT OF PRELIMINARY INVESTIGATION FEE (COUNCIL FEE ONLY AND NOT REFUNDABLE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. AGREEMENT OF ADJOINING OWNERS (EVIDENCE IN WRITING IS REQUIRED)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. DPI , NSW CROWN ROAD CLOSURE APPLICATION FORM IS REQUIRED IF A CROWN ROAD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. AGREEMENT OF PUBLIC AUTHORITIES (COUNCIL TO UNDERTAKE)			
A. AUSGRID	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. RMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. SYDNEY WATER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. TELSTRA/OPTUS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. AGL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. OTHER AFFECTED AUTHORITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPLICANT'S SIGNATURE:

DATE:

This information is being voluntarily collected to process your application. Your information would comprise part of a public register related to this purpose. The information will be kept by Council and

will be disposed of in accordance with the Local Government Disposal Authority. You are entitled to review your personal information at any time by contacting this Council.

**APPLICATION TO PROCEED WITH THE
CLOSURE OF A PUBLIC ROAD UNDER SECTION 34
ROADS ACT 1993**

PARTICULARS OF LAND HELD BY APPLICANT

HOUSE NO: STREET:

.....

SUBURB:P/CODE:

.....

PORTION/LOT NO: SECTION: DP/SP NO:

.....

PARISH (Rural Only):

DETAILS OF PROPOSED ROAD TO BE CLOSED

NAME AND LOCATION OF ROAD TO BE CLOSED

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.....

DESCRIPTION OF THE PHYSICAL NATURE OF THE SECTION OF ROAD TO BE
CLOSED

.....

.....

PURPOSE OR REASON FOR CLOSURE/INTENDED USE

.....

.....

STATUS OF ROAD (COUNCIL OR CROWN ROAD IF KNOWN)

.....

AGREEMENT BY ADJOINING OWNERS

OWNER'S NAME(S):

ADDRESS:
.....

LOT: DP/SP

SIGNATURE

OWNER'S NAME(S):

ADDRESS:
.....

LOT: DP/SP

SIGNATURE

OWNER'S NAME(S):

ADDRESS:
.....

LOT: DP/SP

SIGNATURE

OWNER'S NAME(S):

ADDRESS:
.....

LOT: DP/SP

SIGNATURE

PLAN SHOWING SECTION OF ROAD TO BE CLOSED

SCALE:

The site plan shall include:

- a) the location of adjoining properties;
- b) the location, boundary dimensions, site area and north point of the land;
- c) the existing public utilities on the land;
- d) the location and uses of any buildings or structures encroaching on the land;
- e) the location and uses of buildings on sites adjoining the land;
- f) description and nature of improvements on site i.e. formed pathway, footpath etc. and
- f) a survey plan should be provided where available.