



Council Road Closing Checklist

September 2015

Actions required by Council prior to lodgement of council road closing application with NSW Department of Primary Industries – Lands (the Department):-

- Carry out a full status check of the road to confirm dedication as a council public road and its public use and construction, required to verify its status as vesting in Council on closing. Please note: If the road is an unconstructed Council road please refer to the 'Frequently Asked Questions' under the heading of Information for Councils on the Department's website at http://www.lpma.nsw.gov.au/crown_lands/roads
- Advertise an intention to close the council public road in a local paper circulating in the same area as the intended closing – refer to 'Advertising Template'.
- Send notification of the proposal to all affected parties and authorities - should be sent at the time of placing advertising (or prior) noting the 28 day submission period. Refer to 'Adjoining Landowner Notification Template', 'Authority Notification Template' and 'Authority Referencing List'.
- Council consider all submissions received and take action to resolve any objections – where there is concern as to the validity of any objections advice can be sought from the DPI – Lands Business Centre.
- Once all submissions/objections have been resolved or Council forms the opinion that no further progress can be made, Council prepare a report with a summary and assessment of the submissions/objections, with a recommendation and options (if required).

When the above pre-lodgement actions are completed, Council lodges a road closing application with the Department and includes the following:-

- A completed 'Public Road Closure application (Council)'.
- The required fee of \$476.90.
- A status report of the proposed road closing with copies of the following:
 - Plan and / or Instrument which created the road.
 - Gazette confirming public dedication
 - Certificate of Title (if road is contained in a title residue)
 - Any plans / dealings / gazettes relating to easements which impact upon or adjoin proposed road closure
 - Details of any relevant proposals affecting Council road
 - Evidence of current or prior road construction and / or maintenance of the public road supporting any pre-application determination of vesting.
- A diagram or a survey plan of the proposed closing – to be effected in accordance with the Surveyor General's Directions, *Surveying and Spatial Information Regulation 2012*, *Conveyancing (General) Regulation 2013* and the Registrar General's Direction for Plans.
- Signed report and statement indicating that all statutory requirements have been met. Attached documentation must include the following:

- Copies of all notices sent and submissions/objections received
 - Copies of all correspondence regarding the resolution of any objections.
- All information should be sent to:

NSW Department of Primary Industries - Lands
 Manager Business Centre
 P.O Box 2155
 Dangar NSW 2309

Upon lodgement of council road closure application the Department will:-

- Receipt application and create an account.
- Undertake a review of the report and documentation within 60 days of receipt of application.
- If it is considered that valid objections remain unresolved, notify Council of opportunity to undertake further negotiation and provide updated report.
- Upon receipt of all final documentation, determine and consider the report and advise Council of decision within 60 days.
- If application is refused, give Council 14 days to provide any additional comment or evidence prior to the application being terminated.
- If approved in principle is given, advise Council of decision and return the following:
 - Checked and authorised survey plan with relevant documents for title issue.

Following approval in principle Council will:-

- Arrange for the plan of road closing, and relevant documentation to be registered at LPI.
- Advise the Department when the plan and documents have been registered, providing the Deposited Plan number.

Following plan registration the Department will:-

- Arrange for gazettal of the road closure.
- Provide a copy of gazette and advise Council of completion of final action.

More information

Should you have any further queries about specific road closure applications or require additional information please contact the Department of Primary Industries - Lands Roads Project Team on

T 1300 886 235 (option 2)

E roads@lands.nsw.gov.au

T 4925 4104

W www.crownland.nsw.gov.au

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[DOC15/016529]