

Road Reserve Closure 22/23



If you need help lodging your form, contact us		
Email	council@northernbeaches.nsw.gov.au	
Phone	1300 434 434	
Customer Service Centres	Manly Town Hall, 1 Belgrave Street Manly NSW 2095	Dee Why Civic Centre, 725 Pittwater Road Dee Why NSW 2099
	Mona Vale 1 Park Street Mona Vale NSW 2103	Avalon 59A Old Barrenjoey Road Avalon Beach NSW 2107

Office use only	
Form ID	4043
TRIM Ref.	
Last updated	June 2022
Business unit	Property
Application no.	
Receipt No.	

Privacy Protection Notice	
Purpose of collection	For Council to provide services to the community
Intended recipients	Northern Beaches Council staff
Supply	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/Correction	Please contact Customer Service on 1300 434 434 to access or correct your personal information

These particulars are a general outline only for the guidance of applicants and do not constitute an offer or contract

I have read and understood the enclosed 'Information For Applicants' and request Northern Beaches Council to consider the closure of the following road reserve adjoining the applicants property.

Part 1: Applicant Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 2: Owner(s) Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 3: Project Description - Boundary Dimensions and Area

Specify the Boundary Dimensions and Area

Part 4: Reasons for Road Closure and Purchase of the Land

Describe the reasons for the Road Closure and Purchase of the Land

Part 5: Detail of Proposed Use - Including Any Development Proposals

Describe the proposed use of the Site - Including ANY Development Proposals etc

Part 6: Other Comments

Include below any further comments in support of your application

Part 7 - Surveyor's Details

Title	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Other		
First Name			
Last Name		ABN	
Name of User/Group/Organisation			
Address			
Post Code			
Phone		Alternate	
Mobile		Fax	
Email			

Part 8: Checklist

Use this Checklist to confirm you have fully completed your Application			
Have you included a survey plan of the Road Reserve Land with the approximate boundary dimensions and area? (include in the survey plan, existing encroachment and significant trees and identify the species and size of trunk).	Yes		No
Have you read the Information for the Applicants regarding Road Closure Procedures? (See pages 4-5)	Yes		No
Have you paid the application fee in accordance with Council's Fees and Charges	Yes		No

Part 9: Agreements to terms and conditions

	I understand that this is an application to close part of road reserve land adjoining the land owner's property. It is not a legally binding contract. I acknowledge that the proposed closure is subject to Council's approval. I understand that I am liable for all costs (payable in advance) associated with the road closure. eg: associated with the road closure process.		
Applicant's Name			
Signature		Date	
Landowner's Name			
Signature		Date	

Road Reserve Closure Information Sheet

Information for Applicants

Please retain this information for your own reference.

Please ensure that you read this information sheet prior to lodging a road closure application. Do not hesitate to ask any questions of Council staff. Council would only consider an application for closure of road reserves fronting the whole frontage of an adjoining block. This would assist in maintaining reasonable continuity of property boundaries.

To assist Council in determining the merit of any application, an identification survey plan showing boundaries, retaining walls, trees and encroachments on road reserves is required. Should this survey not provide sufficient information to allow a full merit based assessment of the application, it shall be referred back to the applicant before any further consideration is given. This can result in substantial delays for the applicant.

It is important to note that the applicant is to pay all costs associated with pursuing an application to close and purchase road reserve land. The estimated costs for this application are discussed on page 5.

Upon successful closure of the Road Reserve, applicants are required to apply for and complete the Purchase of Council Land Application form (form 4044).

Following receipt of the non-refundable application fee (in accordance with Councils Fees and Charges) and this completed form, Council will commence the road closure process. Please note, this is a general guide to the process and each application may vary.

1. Council Property Officers will consult with internal stakeholders (e.g. Environment & Sustainability, Transport & Assets and Planning & Place) to seek their comments on the proposal.
2. The applicant can arrange an initial Planning Review with Council's Planning and Assessment Unit as to compliance with the relevant DCP and other planning considerations (ie. if the proposed closure and future use of the road reserve land is for future construction of structures, such as carports, garages or subdivision purposes etc).
3. Council staff will undertake a road status search and construction investigation with assistance from the applicant's surveyor. Costs are payable by the applicant.
4. If the application has merit and is supported by Council's internal stakeholders, Council staff will advise the applicant.
5. Staff will carry out public notification in accordance with the Roads Act 1993. These include:
 - a. Letters to the adjoining owners
 - b. Letters to various authorities, including but not limited to:
 - NSW Fire and Rescue NSW
 - NSW Energy Authorities (Ausgrid, Transgrid)
 - Infrastructure Gas (Jemena Asset Management, Group APA group)
 - Water Utility Authority (Sydney Water)
 - Roads & Maritime Services
 - Office of Environment & Heritage
 - NSW Planning & Environment
 - NSW Rural Fire Service
 - NSW Fire and Rescue NSW
 - Forestry Corporation of NSW
 - NSW Resources & Energy
 - Primary Industry – Fisheries
 - Department of Planning, Industry and Environment (DPIE)
 - Transport for NSW (Land Use Planning and Development)
 - c. Placing a public advertisement in the local paper (Manly Daily) and Council's webpage.
 - d. Public Notification Period is a minimum of 28 days
 - e. Council is required to consider all submissions received and take actions to resolve any objections in accordance with the Roads Act 1993.
6. A report is submitted to Council for consideration of the proposed road closure. A report is submitted to Council for consideration of the proposed road closure. This report includes submissions received from public notification.
7. Council staff will advise the applicant of Council's decision.
8. Council will advise the applicant in principle approval of the road closure and Council will authorise the survey plan with conditions (incorporating any required easements). A S73 Sydney Water Compliance Certificate (cost is borne by the applicant) may be required.
9. S.88B instrument is to be prepared by Council's solicitors to incorporate any easements, covenants or restrictions to use.
10. Where a subdivision certificate is applicable, Council will apply for a plan of subdivision certificate and the cost is borne by the applicant. Council staff then forwards the plan and documentation to the applicant's surveyor.
11. The applicant's surveyor lodges the survey plan and documentation (easements, covenants or restrictions to use and the CL 45-36 form) with the NSW Land Registry Services, identifying the road closure.
12. Upon registration of the Plan, Council completes the formal closure of the road by way of a gazette and completes an 11R form and lodges with the Land Registry Services. All dealings must be registered before title is issued.
13. Council's solicitor will request a Certificate of Title for the land to be issued to Council.
14. Applicant can now proceed to complete the Purchase of Council Land Application form (form 4044).
15. If the proposed road reserve closure is not completed within 24 months from the date of application, this closure application will be terminated.

Fees

It is important you are aware of the costs of the exercise. The estimated associated costs are outlined below.	
Application Fee (Non-refundable)	\$9475.00
Subdivision Certificate	\$1132.00 per application
Section 73 Sydney Water Compliance Certificate (if required)	As per Sydney Water requirements
Section 88B Instrument (if required)	As per quote from Council's solicitor
NSW Land Registry Services registration costs	As per LRD requirements - at applicant's cost
Surveying costs	Quote to be sought by applicant
Valuation cost	As per quote from Council's Surveyor
Council's legal costs and disbursement costs	As per quote from Council's solicitor
These costs are non-refundable and DO NOT include the sale price of the land (which is an additional cost). Council's fees are subject to change in line with annual Delivery Program process.	

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ACCORDING TO PROCEDURES**

Credit Card Details			
Please charge my	<input type="radio"/> Mastercard	<input type="radio"/> Visa	<input type="radio"/> American Express
Amount	\$		

Name as appears on card															
Card Number															
Expiry Date															

Signature															
Daytime Phone Number															
Date															

Please note: Payment card surcharge of 0.5% applies

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ACCORDING TO PROCEDURES**