

Road Reserve Closure Information on the Process

Please ensure that you read this information prior to lodging a Road Reserve Closure application.

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, public utilities 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 costs for this application are outlined on the fee table.

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 a 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 will issue an invoice for the non-refundable application fee (in accordance with Council's Fees and Charges).
2. Council Property Officers will consult with internal stakeholders (e.g. Environment & Sustainability, Transport & Assets and Planning & Place) to seek their comments on the proposal.
3. The applicant can arrange an initial Planning Review with Council's Planning and Assessment Unit for compliance with the relevant DCP and other planning considerations (ie. if the proposed road reserve closure and future use of the road reserve land is for future construction of structures, such as carparks, garages or subdivision purposes etc).
4. Council staff will undertake a road status search and construction investigation with assistance from the applicant's surveyor. Costs are payable by the applicant.
5. If the application has merit and is supported by Council's internal stakeholders, Council staff will advise the applicant.
6. 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
 - c. Placing a notice on 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.
7. A report is submitted to Council for consideration of the proposed road closure. This report includes submissions received from public notification.
8. Council staff will advise the applicant of Council's decision.
9. 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 may be required and the cost is borne by the applicant.
10. S.88B instrument is to be prepared by Council's solicitors to incorporate any easements, covenants or restrictions to use.
11. Where a subdivision certificate is applicable, Council will liaise with the applicant on the documents required and the applicant is to apply and pay the associated fee via the NSW Planning Portal. Council staff then forward the plan and documentation to the applicant's surveyor.
12. The applicant's surveyor lodges the survey plan and documentation (easements, covenants or restrictions to use and Form CL 45-36) with NSW Land Registry Services, identifying the road reserve closure.
13. Upon registration of the plan, Council completes the formal closure of the road by way of a gazette and completion of Request form 11R for lodgement with the NSW Land Registry Services. All dealings must be registered before title is issued.
14. Council's solicitor will request a Certificate of Title for the land to be issued to Council.
15. Applicant can now proceed with the Purchase of Council Land Application (form 4044).
16. If the proposed road reserve closure is not completed within 24 months from the date of application, this closure application will be terminated.