

PERMANENT ROAD CLOSURE APPLICATION FORM

UNDER SECTION 38A ROADS ACT 1993. A REFERENCE TO "COUNCIL" IN THIS APPLICATION MEANS PENRITH CITY COUNCIL.

Purpose

This form is used to apply to close a Council public road under section 38A of the Roads Act 1993.

Applicant Details

First Name

Surname

Postal Address

Street Number

Street Name

Suburb

Postcode

Phone Number

Mobile Number

Email Address

Site Details

Road Name

Suburb

Postcode

Details of Lots/Sections and Deposited or Strata Plans in the vicinity

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Description of the road proposed for closure (Formed/unformed, footpaths, kerb/guttering etc.)

Purpose of closure and intended future use

Is this road closure associated with a Development Application DA?

Yes No

DA Number if known

Fees and Charges

Applications incur an application fee, payable on submission of this application. The application fee is for Council to undertake a Preliminary Assessment of the proposed road closure and is nonrefundable. Additional fees will be charged before the determination of the application and upon completion of the road closure. All fees will be calculated in accordance with Council's Fees and Charges available on our [website](#).

Submission Checklist

When submitting this form, check you have

Completed Road Closure Application Form

Site Plan attached - drawn at or reduced to A4 size. The site plan should include:

- The location, boundary dimensions, site area and north point of the land
- Existing public utilities on the land
- Location and uses of any buildings or structures encroaching on the land
- Location and uses of buildings on adjoining sites to the land

Application fee

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Declaration

- I understand this application does not constitute any form of a contract or guarantee that the road will be closed or sold.
- I understand and acknowledge responsibility of costs I am likely to incur with this road closure application as outlined in Council's Fees and Charges and the attached road closure fact sheet.
- I declare that all the information given in this application is true and correct.
- I understand should the closure not proceed any fees paid will not be refunded.

First Name

Surname

Signed

Date

Acceptance of Application

Council will not process applications that are incomplete or non-complying with lodgement requirements. These applications will not be accepted or may be returned to applicants within 14 days.

Lodgement Details

Applicants are required to lodge the completed application form and associated documents to Penrith City Council, by one of the following methods;

Email: council@penrith.city Post: **PO Box 60 Penrith NSW 2751**

In person: Penrith Civic Centre, 601 High Street Penrith or St Marys Business Office, 207-209 Queen St, St Marys

Marked **Attention: Property Development**

Payment Method

Application fees can be paid by cash, cheque or credit card.

- cash, cheque or credit card payments can be paid in person
- cheque or credit card payments are accepted by post
- only credit card payments are accepted by email

See Council's adopted fees and charges at penrith.city.

All fees subject to change.

Paying by Credit Card

Please complete the [Credit Card Authorisation Form](#) located in the list of [Downloadable Forms](#) and ensure that you provide the full details of the purpose of your payment on this form.

If you are sending your payment by email, please ensure the Credit Card Authorisation Form is included in your email as a separate attachment to your Application or any other information.

CONTACT US

Penrith City Council
601 High Street
PENRITH NSW 2750

PO Box 60
PENRITH NSW 2751

PHONE: (02) 4732 7777
FAX: (02) 4732 7958
EMAIL: council@penrith.city
WEB: penrith.city

ROAD CLOSURE FACT SHEET

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When can a Council close a Public Road?

Section 38A of the Roads Act states that Councils may propose the closure of a Council Public Road for which it is the roads authority, if the road is not reasonably required as a road for public use (present or future), the road is not required to provide continuity for an existing road network and if the closure does not prevent lawful and reasonable vehicular access to surrounding land.

Road construction status

If the road is constructed, the road will vest in Council upon closure and Council may transact on the land. If the road is unconstructed, the road will vest in Crown upon closure and the applicant will need to discuss future opportunities directly with Crown Land.

Constructed roads may be formed or unformed roads and can include works such as bitumen, surface works, formed footpaths and/or kerb and guttering, slashing or clearing of vegetation, mowing or any form of infrastructure.

Services

If services or other utility infrastructure is located within the road reserve, easements may be required to ensure protection and access to infrastructure should the services remain on site upon closure, or alternatively the applicant may be required to relocate the services at their cost.

Disclaimer

The lodgement of a Road Closure Application form does not indicate Council will agree to close the road or undertake a sale of the land upon closure. Road Closure Applications are subject to Preliminary Assessment, public notification, notification to statutory authorities and Council Resolution. Objections to the road closure proposal may mean Council is unable to close the road.

Key stages of the road closure process

While the road closure process may seem very complex, all steps involved are required due to the statutory requirements under the Roads Act, which cannot be varied.

| Stage | Description | Est. Timeframe |
|---|--|----------------|
| Stage 1 - Preliminary Assessment (s38) | Determine the road closure suitability | 6-8 Weeks |
| Stage 2 - Proposal Notification (s38) | Notification to relevant parties that Council is proposing the road closure including NSW Department of Industry, Notifiable Authorities and adjoining and affected landowners | 3-4 months |
| Stage 3 - Sale Negotiations and Council Endorsement | Market valuation required to negotiate sale conditions (if applicable) | 2-4 months |
| | Council endorsement request to proceed with the road closure and for the sale of the land (if applicable) | |
| Stage 4 - Road Closure Plan Registration | Subdivision Certificate | 4-5 months |
| | LRS registration | |
| Stage 5 - Gazettal and registration of road closure | Gazettal notice of closure | 4-5 months |
| | Registration of road closure on title | |
| Stage 6 - Sale (If Applicable) | Contract of sale executed | 2-3 months |
| | Settlement of the land | |
| Total Estimated Timeframe | | 16-23 months |

Fees and Charges

Please refer to Council's Fees and Charges for the fees applicable to road closures available on our [website](#).

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Additional costs

Some of the additional costs to the applicant, in addition to Council's Fees and Charges, are set out below. These are estimated costs, actual costs will vary from case to case and are quoted here ex GST, noting GST will apply to some costs.

| | |
|--|-----------------|
| Preparation of Survey Plan by applicant's preferred surveyor | \$3,000 Est min |
| Solicitor if easements are required over the land | \$1,500 Est min |
| Service relocation (if required) | At Cost |
| Subdivision Certificate | \$715 Est min |
| Conveyancer for the purchase | \$1,500 Est min |
| Purchase of the land comprised within the closed road* | Market Value |
| Applicant to meet all fair and reasonable costs to Council such as valuation fees, surveyor fees, legal costs, subdivision certificate fees, LRS fees and statutory charges. | At Cost |

* If the road will vest in Crown upon closure, the applicant must negotiate the purchase of the land directly with the Department of Industry.

Please contact Council's Property Development Department on 4732 7777 or council@penrith.city for further information or assistance in completing this application form.