

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

If the applicant is applying on behalf of someone else, written consent must be provided with this application to make this application and act on their behalf during negotiations.

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

Planning Approval Pathway

Is this road closure associated with a Development Application DA?

Yes

No

DA/SSDA 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

Written consent if applying on behalf of someone else

Adjoining Owner Written Consent.

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 Investment**

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

A REFERENCE TO "COUNCIL" IN THIS APPLICATION MEANS PENRITH CITY COUNCIL.

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.

Adjoining Owners Consent

If the public road subject to the road closure application has adjoining lots other than that of the applicant, written consent to the applicant making the application must be obtained from the adjoining owner/s prior to the submission of the road closure application.

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.

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Stage	Description	Est. Timeframe
Stage 1A – Preliminary Assessment	<ul style="list-style-type: none"> Preliminary Assessment to determine the road closure suitability 	4-6 weeks
Stage 1B – Owners Consent for DA/SSDA Lodgment (If Applicable)	<ul style="list-style-type: none"> Owners consent is issued for the submission of a Development Application (DA) and associated application for assessment under the Environmental Planning and Assessment Act, Local Government Act or Roads Act. 	1-2 weeks*
Stage 2 – Proposal Notification	<ul style="list-style-type: none"> Public and Authority notification of the proposed road close in accordance with legislative provisions. 	8-10 weeks*
Stage 3 – Sales Negotiations and Council Endorsement	<ul style="list-style-type: none"> Sales negotiations including engagement of a Certified Valuer (if applicable). Council endorsement to proceed with the road closure and for the sale of the land (if applicable) Deed of Agreement preparation & execution (if applicable) 	12-16 weeks
Stage 4 – Planning Approvals and Plan Registration	<ul style="list-style-type: none"> Road Closure Development Application (DA) (If required) Road Closure Subdivision Certificate (SC) (If required) Road Closure Plan registration with LRS 	6-8 weeks*
Stage 5 – Road Closure Gazettal and Title Registration	<ul style="list-style-type: none"> Gazettal notice of closure Registration of road closure on title 	6-8 weeks
Stage 6 – Sale (If applicable)	<ul style="list-style-type: none"> Contract of sale executed Settlement of the land 	4-8 weeks
Total Estimated Timeframe		41-58 weeks* 10-14 months*

*The total estimated timeframe does not include the submission, assessment or completion of conditions of consent of any Planning Approvals required for the road closure or the resolution of any road closure objections that may be received during public notification.

Fees and Charges

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

Additional costs

Some of the additional costs that may be applicable to the applicant, in addition to Council's Fees and Charges, include surveyor costs for the preparation and registration of the road closure plan, service relocation costs, planning approval costs, and legal costs associated with the sale.

* 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 Investment Department on 4732 7777 or council@penrith.city for further information or assistance in completing this application form.