

GUIDELINES FOR THE CLOSURE AND PURCHASE OF PUBLIC ROADS

These guidelines have been prepared to assist applicants proposing to close and purchase all or part of a formed Public Road under the provisions of the Roads Act 1993 and other relevant legislation. They reflect typical processing formalities but individual cases may vary.

The guidelines show the sequence of activities by applicants and public authorities in formalising road closure and purchase applications and should be read in conjunction with Council's adopted **Policy on Road Closures** where applicable.

The information and schedule of fees contained herein are intended as a guide only as policies, legislation and fees are subject to change.

- Step 1.** **APPLICANT:** A written application to Tweed Shire Council (TSC) accompanied by a diagram showing the dimensions and area of the subject land, and a completed Payment Application Form - Road Closure and Purchase (available online or from Council Offices) together with a cheque made payable to Tweed Shire Council).
- Step 2.** **a. TSC:** The Council's resolution (if the application is approved) **will** require
- the applicant to meet all legal, survey and valuation costs involved
 - the provision of easements for any public utilities within the subject land if necessary
 - the subject land to be consolidated with the applicant's adjacent land
 - the purchase price of the subject land to be determined by a Registered Valuer as the current market value
 - that all necessary documentation be executed under the Common Seal of Council.
- b. TSC:** obtains a valuation, at the cost of the applicant, to determine the purchase price of the road closure parcel, prior to the following steps proceeding. This allows the applicant to more clearly ascertain the costs associated with the application.
- Step 3.** **TSC:** advertises the application in a local newspaper (applicant's cost) and notifies the relevant authorities of the proposal allowing 28 days for the submission of objections to the proposal.
- Step 4.** **APPLICANT:** If no objections are submitted (or objections received are regarded as frivolous) the applicant will be advised to instruct a private surveyor to prepare the plan of road closure. The unregistered plan is then forwarded on to Council.
- Step 5.** **TSC:** Council will assess the plan of road closure and return to the applicant to allow registration at Land Registry Services Sydney.
- Step 6.** Upon registration of the plan of road closure and notification to Council, Council will publish a notice in the Government Gazette giving effect to the Road Closure with Land Registry Services subsequently issuing a Certificate of Title in Council's name.
- Step 7.** **APPLICANT:** The applicant will be required to:
- a. prepare a plan of consolidation suitable for registration with the Land Registry Services
 - b. provide payment of the purchase price as assessed by the Registered Valuer and all other related costs
- Step 8.** **TSC:** Council will upon receipt of payment of the purchase price and valuation fees (if not paid previously), prepare and execute the transfer and forward to the applicant with the Certificate of Title and Valuation report (required for Stamp Duty purposes) to allow registration with the plan of consolidation at Land Registry Services Sydney.

STEP	BY	ACTION SUMMARY	
1	APPLICANT	A written application to Tweed Shire Council accompanied by a) a diagram showing the dimensions and area of the subject land, and b) a completed Payment Application Form - Road Closure and Purchase (available online or from Council Offices) and c) a cheque made payable to Tweed Shire Council.	c) As per current TSC Fee Schedule
2	COUNCIL	The Council's resolution (if the application is approved) will require various actions. Valuation obtained at the cost of the applicant.	Valuation Fees
3	COUNCIL	Advertises the application in a local newspaper and relevant authorities notified allowing 28 days for the submission of objections to the proposal.	Advertising fees
4/5	APPLICANT	If no objections are submitted (or objections received are regarded as frivolous) the applicant instructs a private surveyor to prepare the plan of road closure. The unregistered plan is then forwarded on to Council for approval. The applicant submits the approved plan to Land Registry Services for registration.	Surveyor's fees LRS Charges
6	COUNCIL	Upon notification of the registration of the plan of road closure Council publishes a notice in the Government Gazette giving effect to the Road Closure. Council then makes application to Land Registry Services to issue a Certificate of Title in Council's name.	
7	APPLICANT	The applicant will be required to: a) Prepare a plan of consolidation by a registered surveyor b) make payment of the purchase price as assessed by a Registered Valuer, and c) payment of valuation fee d) payment of advertising fees e) the payment of transfer fees, lodgement fees and stamp duty applicable.	(a) Surveyor's Fees (b) Purchase Price (c) Valuation Fees (d) Advertising Fees
8	COUNCIL	Upon receipt of the purchase price and other fees Council will prepare and execute the transfer and provide same to the applicant together with the Certificate of Title and Valuation report for lodgement with the plan of consolidation at Land Registry Services.	Stamp Duty LRS Charges