

# PERMANENT ROAD CLOSURE

*LAND ADMINISTRATION ACT 1997 Section 58*



The Applicant must lodge an application with the City of Kalamunda (City) to request the permanent closure of a road. This process requires internal and external consultation and a resolution of Council. Importantly, the process outlined below is necessary to meet the requirements of the Department of Planning, Lands and Heritage and the *Land Administration Act 1997*.

A summary of the permanent road closure process is as follows:

1. The Applicant lodges a permanent road closure application and pays an application fee. The application fee is set out in the City's Schedule of Fees and Charges (reviewed at the start of each financial year). Please note, the Applicant must be an adjoining landowner.
2. The City evaluates if the portion of road reserve has any current or future purpose for the provision of drainage, property access or other public works.
3. Should the City have nil requirement for the portion of road reserve proposed to be closed, it will:
  - a. Notify any other adjoining landowners of the proposed closure to ascertain whether they are interested in purchasing a portion of the road reserve;
  - b. Advertise the proposed closure for a minimum of 35 days in a local newspaper(s) and on the City's website; and
  - c. Seek comments from all service authorities (Telstra, Western Power, ATCO Gas and the Water Corporation) regarding their requirements in respect of any services located in or near the portion of road reserve proposed to be closed. The Applicant will be required to pay all costs of, and incidental to, any service relocations and easements required by the service authorities for the road closure to proceed, as well as any other fees charged by the service authorities. It is recommended that the Applicant contact the service authorities directly to investigate the cost of any service relocations and easements before deciding to proceed. Dial Before You Dig may assist in determining the services affected by the proposed road closure.
4. Following completion of the consultation process outlined in paragraph 3 above, all comments, objections and endorsements will be analysed, and a Council Report prepared in respect of the proposal.

5. Council will then consider the proposed road closure and resolve to recommend or reject the proposal.
6. If Council recommends the closure, the City will write to the Department of Planning, Lands and Heritage requesting that the road reserve be closed. The Department will review the matter and, if it decides to proceed with the closure, the land will be valued and offered to adjacent landowners for purchase. The final process is outside the control of the City and the outcome may or may not reflect the recommendation of Council.
7. The Applicant and any other owners receiving land will be responsible for all costs of the road closure process, including but not limited to the application fee, purchase price for the land, the cost of any service relocations and easements, survey costs, document preparation and lodgement fees, and any other fees.

To lodge a permanent road closure application, the Applicant must submit a letter to the City which includes the following information:

1. The Applicant's details including full name, address and contact details;
2. Detailed description of the proposal;
3. The lot number(s) and street address(es) of lot(s) that the Applicant proposes be allocated (the whole or any part of) the road closure area;
4. Site plan of existing lot(s) and road reserve showing proposed road closure area and proposed allocation of the road closure area to adjoining landowners. The sketch or survey must be prepared by a draftsman and drawn to a scale of not less than 1:500 showing the location of the site, dimensions and area of the lot(s) and road closure area, street name(s), lot number(s), north point and the location of any services;
5. Payment of the application fee; and
6. A statement by the Applicant as follows:
  - a. I/We have read the procedures required to be undertaken to permanently close a road;
  - b. I/We acknowledge that the road reserve, if it is closed, must be purchased, at the value determined by the Valuer-General's Office, by

adjoining landowners from the Department of Planning, Lands & Heritage and amalgamated with the landowners' lots at the landowners' cost; and

- c. I/We acknowledge that all costs associated with the permanent road closure, including but not limited to the cost of surveys, document preparation and lodgement, relocation or modification of services, easements to protect services, fees, etc. are the responsibility of the owners receiving land.

If you have any queries in respect of the permanent road closure process, please do not hesitate to contact the City's Land Services Team on 08 9257 9906 or email [enquiries@kalamunda.wa.gov.au](mailto:enquiries@kalamunda.wa.gov.au).