



APPLICATION TO CLOSE THE WHOLE OR A PORTION (S) OF PRIVATE ROAD OR PRIVATE RIGHT OF WAY (ROW)

Private road/row details:

Certificate of Title details: Volume..... Folio.....

Lot No..... Plan No.....Diagram No.....Lot Area (m²).....

Suburb/.....

Registered Proprietor/s name as shown on the Certificate of Title:.....

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To Private Road or ROW – the closest or adjoining Lot No.....

Nearest Street Intersection.....

City of Bunbury Right of Way number (if Known).....

Amalgamation (property 1)

Adjoining land details:

Lot No/s.....House/Street No.....Location No.....Diagram or Plan.....

Certificate of Title: Volume.....Folio.....Lot Area (m²).....

Street Name.....Suburb.....

Registered proprietor/s name.....

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Amalgamation (property 2)

Adjoining land details:

Lot No/s.....House/Street No.....Location No.....Diagram or Plan.....

Certificate of Title: Volume.....Folio.....Lot Area (m²).....

Street Name.....Suburb.....

Registered proprietor/s name.....



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(Please attach a separate sheet if there is more than 2 properties being the subject of amalgamation)

Applicant Details:

Name.....

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Address.....

Phone (Work).....(Home).....(Mobile).....

Fax.....Email address.....

*Please attach payment as listed in the attached fees and charges schedule

Signature..... Date.....

Agreement to the proposed road/ROW closure and amalgamation is required in writing from **all** the adjoining owners shown on their respective Certificates of Title for each property adjoining the private road or ROW sharing “Implied Rights of Access”. A Strata Titled property will require a letter from the Body Corporate in agreement to the closure and amalgamation. You may wish to consult a conveyancing specialist to co-ordinate the application on your behalf.

All property owners wishing to purchase a portion of a closed road/ROW must agree to pay all costs involved in the process. Such as;

- City of Bunbury Application Fee \$170.00
- City of Bunbury Service Provider Fee \$200.00
- Licensed Surveyor
- Licensed Property Valuers Fee
- Advertising
- Legal Costs
- Document Creation \$107.00
- Landgate Lodgement \$160.00
- Easements, if required \$500.00 plus
- Purchase Price
- Cost of Survey.



Applicants comments:

Please describe the purpose and future use of the proposed purchase of a part or whole portion of a private road or private ROW.

A large rectangular box containing 20 horizontal dotted lines for writing.



CITY OF BUNBURY

PRIVATE ROAD OR RIGHT OF WAY (ROW) - CLOSURE PROCESS -

A partial or full private road/ROW closure is initiated through Section 52 of the Land Administration Act 1997 ("Act") where the owner/s of the land is deceased and where the Probate searches cannot locate a living owner/s.

Under the Act, Local Government must initiate a private road or private ROW closure process on behalf of the applicant/s. Subject to Councils approval and as a part of the closure process, the Local Government informs the Minister of Lands of the proposed future disposition of the land in the closed road to adjoining land holders. Section 87 of the Land Administration Act 1997 provides the means for disposal of the land in a closed road by lodgement of a Conveyance and Amalgamation Order by State Land Services (SLS), an office within the Department of Regional Development and Lands (RDL).

The City of Bunbury process is detailed below:

1. Applicant/s to complete the attached Land Admin form titled; "Application to Close the whole or a Portion(s) or Private Road or Private ROW:. You may wish to consult a conveyancing specialist to co-ordinate the application on your behalf. Also attached is the Adjoining Property Owners Agreement Form to be completed by ALL adjoining Private Road Property Owners.

The application must include a sketch or survey drawing of the area and any other relevant plans, diagrams or certificate of titles describing the subject portion of road/ROW.

Include the \$170.00 (non-refundable) application fee payable to the City of Bunbury.

Supply the City of Bunbury with a letter of agreement to pay all costs involved in the closure and amalgamation process. The letter must be signed by all adjoining land owners who propose to amalgamate a portion of the private road/ROW with their property. A Strata Titled property will require the agreement of the Body Corporate.

Supply all results of ownership searches carried out including Probate Searches.

2. The formal application will be circulated to Service Providers and council officers for preliminary comments and investigation, this will incur a fee of \$200.00 payable by the applicant (non-refundable).
3. Should there be no objections from the relevant Service Providers or the City then a council resolution will be sort to advertise a partial or full road closure in accordance with the Act. The **applicant** will be required to **pay all advertising costs**.

The proposed closure is advertised in a local paper for a 30 day public comment period, the City's public notice boards and the City's website.

4. A second Council resolution is required to:

Report back to Council with all comments from the public and utility services.

If Council **APPROVES** the proposal, the applicant/s will be required to provide the City with a Deposited Plan from a licenced surveyor approved by SLS.

Council to forward the following to the Department of Regional Development and Lands:

- (a) Council Resolution (including indemnity from Council to Department of Regional Development and Lands).
 - (b) Small location plan.
 - (c) All responses including adjoining Property Owners wishing to purchase part or the entire portion.
 - (d) WAPC comments.
 - (e) Service Providers Comments.
5. A copy of the Deposited Plan and all other relevant information is sent to SLS for the Ministers approval. This ends the role of Local Government – the applicant will be dealing directly with the Western Australian Planning Commission (WAPC), SLS and Landgate from this point onward. The amalgamation is treated as a subdivision by the WAPC (fees and statutory charges apply), the following are estimates only;
- Document Creation \$107.00
 - Landgate Lodgement \$160.00
 - Easements, if required \$500.00 plus
 - Purchase Price
 - Cost of Survey.
6. SLS then forward the application to the Valuer Generals office where a market valuation is provided for the applicant/s. The applicant/s surveyor will submit all survey details including the new Deposited Plan to WAPC and liaise with SLS and Landgate.
7. SLS provide the applicant/s with an Offer and Acceptance (OA) requesting payment of the subject land including statutory charges. The OA's require stamping (the payment of stamp duty) by the applicant at the Office of State Revenue in Perth.
8. The applicant/s must make an application for a new Certificate of Title at the Landgate Office in Midland. Landgate fees and charges apply. In the case of Strata Lot owners the amalgamated land will be merged into the common property rather than the owners individual lots. Further steps are required to transfer the amalgamated land from the common property into an individual lot.