



**Land Administration - form 1.2**

**Application to Close a Portion(s) of  
Public Road Reserve**

Public Road closure and amalgamation with the adjoining property/s  
pursuant of Section 58 of the Land administration Act 1997 ("Act").

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**Road reserve details:**

Street Name ..... Suburb.....Road No (if available) .....  
Pin No ..... Plan No ..... Diagram No .....Lot Area (m2) .....  
To Road Reserve - closest or adjoining Lot No .....  
Nearest Street Intersection .....

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**Amalgamation (Property 1)**

**Adjoining land details:**

Lot No/s ..... House/Street No. .... Location No. .... Diagram or Plan .....  
Certificate of Title: Vol. ....Folio ..... Lot Area (m2) .....  
Street Name ..... Suburb .....

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**Amalgamation (Property 2)**

**Adjoining land details:**

Lot No/s ..... House/Street No. .... Location No. .... Diagram or Plan .....  
Certificate of Title: Vol. ....Folio ..... Lot Area (m2) .....  
Street Name ..... Suburb .....

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

## Dial Before You Dig (DBYD) enquiry

Please include the results of a DBYD enquiry with your Application.

The DBYD online enquiry is located from the following webpage <https://www.1100.com.au/> .

### Applicant details:

Name .....

.....

Address .....

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Phone (work) ..... (Home) ..... (Mobile).....

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

\*Please attach the current fee as listed in the attached fees and charges schedule.

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

Agreement to the proposed road closure and amalgamation is required in writing from all the adjoining owners shown on the Certificates of Title for each property. A Strata Titled property will require a letter from the Body Corporate in agreement to the closure and amalgamation.

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

**Applicant's comments:**

(Please describe the purpose and future use of the proposed purchase of public road reserve)

A large rectangular box with a solid black border, containing 20 horizontal dotted lines for writing.

# CITY OF FREMANTLE

## PUBLIC ROAD CLOSURE PROCESS

A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 ("Act"). To amalgamate the land with an adjoining freehold property(s) - Section 87 of the Land Administration Act 1997 is applied. Road Reserves are owned by the Crown or State Government with Local Government allocated the care, control and management of the minor roads. Under the Act, Local Government must begin the road closure process on behalf of the applicant/s and the Department of Planning Lands and Heritage (DPLH) Lands Division.

The City of Fremantle process is detailed below:

1. **Applicant/s** to complete the attached Land Administration form 1.2 titled "Application to Close a Portion(s) of Public Road Reserve". You may wish to consult a conveyancing specialist to co-ordinate the application on your behalf.
  - 1.1. 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 reserve.
  - 1.2. Include a Dial Before You Dig (DBYD) enquiry with your application. Online enquiry is available from the DBYD webpage <https://www.1100.com.au/>. With the exception of Telstra, all other public utility services do not charge for this service. Telstra has implemented a charge of \$180.00 from 2<sup>nd</sup> September 2019 for all DBYD enquires (Telstra may adjust the current charge into the future).
  - 1.3. Include the application fee payable to the City of Fremantle *Webpage Schedule of Fees and Charges – Planning* and made payable to the City of Fremantle.
  - 1.4. Supply the City of Fremantle 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 road reserve with their property. A Strata Titled property will require the agreement of the Body Corporate.
2. The formal application will be circulated to council officers for preliminary comments and investigation.
3. A council resolution will be sort **to advertise** the proposal and subject to no objections received during advertising; consider a partial or full public road closure in accordance with the Act. The applicant will be required to pay all advertising costs.
  - 3.1. The proposed closure is advertised in a local paper with a 35 day public comment period.
  - 3.2. Public utilities must be contacted for their comment.
  - 3.3. Referral to the Office of State Heritage (OSH) pursuant of Section 11 of the *Heritage of Western Australia Act 2009* in the instance where the proposal is likely to affect a property listed on the State Heritage Register.

4. The City will consider any objections received after the closure of advertising in a second report to Council.
5. Subject to Council approval - the applicant/s will be required to provide the City with a draft Deposited Plan or sketch ("Plan") from a licenced surveyor approved by Landgate.
  - 5.1. The City will then apply to the DPLH (Lands Division) to close the public road in accordance with the Council resolution and the Act.
6. A copy of the Plan and all other relevant information is sent to DPLH for the Minister of Lands ("Minister") approval. **This ends the role of Local Government** - the applicant will be dealing directly with the Western Australian Planning Commission (WAPC), DPLH and Landgate from this point onward. The amalgamation is treated as a subdivision by the WAPC (fees and statutory charges apply).
7. Subject to the Ministers approval the closed road then becomes the ownership of the Crown (State) for disposal. A valuation is undertaken by DPLH's Valuation Services (most likely at market value). The applicant/s surveyor will submit all survey details including the new Deposited Plan to the WAPC and liaise with the DPLH and Landgate.
8. DPLH will provide the applicant/s with an Offer and Acceptance (OA) requesting payment of the subject land including statutory charges. The OA's will require stamping (the payment of stamp duty) by the applicant at the Office of State Revenue in Perth.
9. 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 owner's individual lots. Further steps are required to transfer the amalgamated land from the common property into an individual lot.