

In reply please quote: 19/25904  
Your Ref:

Contact: Kwok Leung on 9725 0714

22 August 2019

GLN Planning  
GPO Box 5013  
SYDNEY NSW 2001

**Attention:** Peter Lawrence

Dear Mr Lawrence

**Proposed closure and purchase of public lane between 123 and 125  
Cabramatta Road East, Cabramatta**

Reference is made to your recent discussions with Council's officers in regard to your clients intending to purchase a public lane between 123 and 125 Cabramatta Road East, Cabramatta for combined redevelopment.

**Application**

A formal application by way of a letter meeting the following requirement is required:

Subject public lane

It is understood that your clients intend to purchase the public lane shown on the attached DP 255023. Please confirm.

In due course your clients will be required to undertake a subdivision to identify the site for the public lane for the purpose of registration at the Land Registry Services (LRS) for issue of a land title to facilitate its disposal.

Applicant

It is noted that the public lane provides vehicle access to a number of adjoining properties.

In accordance with Section 38A of the Roads Act 1993, Council will be unable to close the public lane when the adjoining property owners rely on this public lane for vehicle access.

Hence Council can only consider a joint application of the adjoining property owners to close the public lane. In the event of your clients acting as an agent for all the adjoining property owners, the application needs to be accompanied with written authorization of all the adjoining property owners agreeing to the road closing application.

#### Future use of the public lane when closed

Your clients are required to outline the intended future use of the public lane when closed and sold.

#### Application fee

Please on lodging the application forward a cheque for \$1,000.00 being the administration fee for road closure. This fee is not subject to GST.

#### **Council's process following lodging of the application**

Council officers will consider and process the application in accordance with Sections 38A to 38F of the Roads Act 1993. This includes consultation with the public, utility and notifiable authorities for comments and objections before reporting to Council for a decision to close the public lane.

Your clients will be responsible to negotiate and pay for relocation, protection, removal or release of encumbrances including easements and service utilities etc. if found on or associated with the public lane.

The Council's process takes approximately six months to complete and may be varied depending on how soon your clients are able to resolve the encumbrances with the beneficiaries.

#### **Costs**

In accordance with Council's Policy for the Disposal of Surplus Roads, Laneways and Pedestrian Pathways your clients (being the purchaser) is responsible for all of Council's costs incurred in closing the subject public lane including but not limited to survey, legal, valuation and costs of sale.

It is expected that your clients will undertake survey and subdivision including registration of a plan for the public lane at the LRS for issue of a land title. The subdivision including registration of a plan at the LRS takes approximately ten months to complete.

#### **Sale price for the public lane**

The sale price is to be assessed by market valuation based on the 'highest and best use' of the land on the basis of an amalgamation of the public lane with the adjoining land for combined redevelopment.

Council on receiving notification of your clients that a plan for the public lane has been lodged at the LRS for issue of land title, will engage a qualified valuer to determine the sale price. A 'before and after' valuation method will be applied on the basis that the land for the public lane is free of encumbrances. The valuation process of Council takes approximately three months to complete.

Following agreement of the parties on sale price a contract of sale may be prepared by the parties' solicitors. This may take approximately three months to complete.

Please note that it will be a condition of sale that the newly created lot for the public road must not be developed unless it has been consolidated with the adjoining land to comply with Council's minimum site requirement.

### **Approval to sell**

On receipt of a land title for the public lane issued by LRS and an agreement reached with Council's officers on sale price and terms of sale, a report will be submitted to Council recommending approval. As always the approval if granted is subject to whatever terms and conditions that Council might impose.

Settlement of sale may occur thereafter.

I trust the above information is helpful for your clients considering making an application to close and purchase the public lane. Please contact the writer or Ms Aelina Truong who is Council's Manager Property on 9725 0717 if your clients have queries or wish to discuss.

Yours sincerely



Kwok K. Leung  
Property Consultant





**WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION**

• OFFICE USE ONLY

D. P. 255023

Registered:  D 17.6.1977. 61

This is due: 2 of my plan in 2 sheets  
dated 4TH MAY 1971 & 15TH JULY, 1975

Registered under Surveyors Act 1929.

This is sheet of 17a pin of  
Sheets covered by my Civil case No  
of

**Council Clerk**  
Signatures and seals only.

Reduction Ratio 1:500  
Lengths are in inches

RES 3

1. Bruce Richard Dowie, Registrar General for New South Wales, certifies that this negative is a photograph made as a permanent record of a document in my custody this 9th day of August, 1979