



Our Ref: 03508
Date: 28 October 2004

Tiffany Developments
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70 Alfred Street
MILSONS POINT NSW 2061

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Campbelltown NSW 2560
DX 5112
Campbelltown
Ph: (02) 4625 5055
Fax: (02) 4628 2013
Email: admin@jmd.com.au

ATTENTION: MR LONDISH

Dear Sir,

Re: Status of Barnes Road – Frenchs Forest

I refer to your request for information regarding the status of Barnes Road, off Oxford Falls Road at Frenchs Forest, and advise that our legal searchers advise that the land known as Barnes Road is a Crown Road.

Yours faithfully
JMD DEVELOPMENT CONSULTANTS

A handwritten signature in black ink, appearing to read 'Michael Gordon', written over a dotted line.

Michael Gordon
Registered Surveyor

To. Linda Handish
Tiffany Developments P/L



Department of Lands

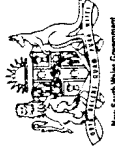
Re. your enquiry - copies of last shot, fees information
and an application form for purchase of a road, attached.
Please note application fee is now reduced in the
case of a Crown road application to \$475.00.

WITH COMPLIMENTS

Yours,

John Saw

Ph. 98956248



New South Wales Government

4/3/05.

Closing Crown Roads

The system of Crown roads which traverse the State has been, and continues to be, fundamental in assisting and facilitating the orderly settlement and economic and social development of New South Wales.

However in many cases, due to their location in the landscape and the changing circumstances in rural NSW – there is considerable scope to rationalise and consolidate these important areas of Crown land in cooperation with adjoining landowners, without compromising their original purpose or the broader public interest.

Does this mean I can apply to close and purchase a Crown road as freehold land?

Yes. While the current statutory provisions for applying to close and purchase a Crown road remain unchanged, the department has implemented a new fee structure and strategy to streamline the costs and time involved in closing Crown roads to freehold. Holders may expect at least a 50 percent saving as compared to the previous cost structure (see related fact sheet "Crown Road Purchase Fee Schedule").

Road closing application forms may be obtained from your local Lands office or by accessing our website – www.lands.nsw.gov.au

What factors will be considered in the closing and sale of a Crown road?

Crown road closing proposals will be considered on their merits. No guarantee of the success of any application can be given at this time.

Environmental issues

Retaining the road as Crown land for significant environmental protection or related reasons will be assessed as part of the process. In some instances, when environmental issues are identified, they may be protected by the placement of a covenant on the Title when transferring a Crown road to freehold.

Public access issues

Applicants are required to obtain the written consent of adjoining owners and other stakeholders as part of the application process to assess any access issues. There may be some circumstances where it may not be possible to convert to freehold. However the applicant has the option to overcome these situations by negotiating the granting of an easement as an alternative means of access.

What if I have already applied to close the Crown road and the application was refused?

If circumstances that prevented the closure have changed, or if an applicant believes that there are other factors that now should be reconsidered, then applicants may consider submitting a new Crown road closure application.

More Information

Should you have any further queries or require additional information please contact your local Lands office or check our website: www.lands.nsw.gov.au

108 Faulkner Street
ARMIDALE NSW 2350
T 6772 2308

142 Brisbane Street
DUBBO NSW 2830
T 6841 5200

76 Victoria Street
GRAFTON NSW 2460
T 6640 2020

159 Auburn Street
GRIFFITH NSW 2580
T 4828 6725

120-130 Banna Avenue
GRIFFITH NSW 2680
T 6962 7522

126 Lachlan Street
HAY NSW 2711
T 6993 1306

Chelmsford Place
Wade Avenue
LEETON NSW 2705
T 6953 4844

Cnr Newcastle Road & Banks Streets
MURUMBidgee NSW 2323
T 4937 9300

Cnr Frome & Heber Streets
MOREE NSW 2400
T 6752 5055

Level 1, 5 O'Keefe Avenue
NOWRA NSW 2541
T 4428 6900

92 Kite Street
ORANGE NSW 2800
T 6393 4333

Level 12, 10 Valentine Avenue
PARRAMATTA NSW 2124
T 9895 6275

25-27 Fitzroy Street
TAMWORTH NSW 2340
T 6764 5100

98 Victoria Street
TAREE NSW 2430
T 6552 2788

Cnr Johnston & Tarcutta Streets
WAGGA WAGGA NSW 2650
T 6937 2700

Department of Lands
Head Office
1 Prince Albert Road
Queens Square
SYDNEY NSW 2000

T 61 2 9228 6666
F 61 2 9233 4357

www.lands.nsw.gov.au

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Crown Road Purchase Fee Schedule

The Department of Lands has implemented a new fee structure and strategy to streamline the costs and time involved in converting Crown roads to freehold. Landholders may expect at least a 50 percent saving as compared to the previous cost structure. The fees quoted in this schedule do not apply to applications for closing Council public roads.

What are the fees for closing and purchasing a road?

The following fees will only apply to applications lodged on or before 30th June 2007.

- Application fee to close the road – \$475 (previously \$950).
This fee is inclusive of administrative costs, advertising, site investigation, gazettal and title searches.
- Road purchase application fee – \$220 (previously \$440)
- Cost of preparing a compiled plan* – \$250.
This covers the cost of a compiled plan prepared by the department from a range of source documents. In more complex instances the applicant may require the services of a registered surveyor.
- Cost of plan registration and first title creation – \$800 + \$80 per lot.
- Land valuation fee for purchase of the closed road – No fee (previously up to \$1000 by the State Valuation Office).
The new process will be undertaken using the department's own valuation expertise and resources. The applicant will be able to provide their own valuation by a registered valuer of the market value at their cost should they wish to challenge the departmental valuation.
- Ad Valorem Stamp Duty – no change
- GST – no change (unimproved land is exempt. However, improved land is 10 percent of the purchase price).
- Purchase price of the land – this will be based on market price and will be clearly influenced by the condition and location of the land.
- Conveyancing fees for the transfer of Title are the responsibility of the applicant to negotiate with their conveyance specialist. The department is currently investigating a way to reduce the costs of this procedure.
- Preparation of compilation plan by Lands rather than a full survey by a registered surveyor for the creation of the road title is acceptable to the Registrar General for registration purposes. However, there may be occasions when full survey will still be required. (Survey costs should be obtained from a registered surveyor).

Contact your nearest Lands office:

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ARMIDALE NSW 2350
T 6772 2308

142 Brisbane Street
DUBBO NSW 2830
T 6841 5200

76 Victoria Street
GRAFTON NSW 2460
T 6640 2020

159 Auburn Street
GOULBURN NSW 2580
T 4828 6725

120-130 Banna Avenue
GRIFFITH NSW 2680
T 6962 7522

126 Lachlan Street
HAY NSW 2711
T 6993 1306

Chelmsford Place
Wade Avenue
LEETON NSW 2705
T 6953 4844

Cnr Newcastle Road & Banks Streets
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T 4937 9300

Cnr Frome & Heber Streets
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ROADS ACT 1993

APPLICATION TO CLOSE A PUBLIC ROAD

Please read the attached information sheet prior to completing this application form.

Department of Lands

Land Administration & Management
Property & Spatial Information

APPLICANT(S) _____
(insert full name(s) of applicant(s) in BLOCK LETTERS)

ADDRESS _____
(insert postal address for receipt of correspondence)

Town / Suburb

Postcode

Phone number

Fax number

hereby apply for the closing of the public road described in Section 1 below. The information required in Sections 1 to 4 is provided and an advance of \$ _____, towards application processing costs, is lodged with this application.

SECTION 1 – DESCRIPTION OF PUBLIC ROAD PROPOSED TO BE CLOSED

Town / Locality _____ Local Govt Area _____ Parish _____ County _____

General text
description
of road

Supply

Diagram

road proposed to be closed shown by _____ colour on attached diagram. Area : about _____ sq m / ha
Include a copy of any relevant map or sketch to show clearly the locality, the boundaries & dimensions of the road proposed to be closed plus the land title boundaries of adjoining properties. Also show the position and type of any fencing and buildings / structures adjoining the road and any reticulation services (eg. power or telephone lines, water, sewer or gas pipes, drains) within the road boundaries.

Objective

- ☐ To close an unnecessary public road.
- ☐ To purchase the whole or part of the road if closed and to offer a price of \$ _____ for the lot
or \$ _____ per sq m / ha for the part of the land indicated on the attached diagram (see note below).
- ☐ Other purpose (please specify) _____

Persons to complete objective
Councils refer to Section 5

NOTE: This application is primarily for the closing of a public road and is not, in the initial stage, considered as an application for any subsequent actions such as purchase of the land if the road is closed. However, an applicant (other than a Council) should indicate whether purchase of the land is an objective and if so provide an offer of a purchase price (the Department would have regard to the current market price of the land). While the application will be considered on its merits, no guarantee can be given as to its success or otherwise. At this stage, an applicant should not make any future plans or commitments based on the successful closure of road and the purchase of land. Please note that any other adjoining landowners may express an interest in purchasing a fair proportion of a closed road.

SECTION 2 – DETAILS OF LAND HELD BY APPLICANT IN VICINITY OF ROAD

Portion or Lot / DP	Title Reference	PARISH	COUNTY

Private applicant, please complete Sections 3 & 4 overleaf. Council applicant, please complete Sections 3, 4 and 5, Section 2 may be unnecessary

I / we understand that the fee lodged with this application is only an advance towards costs and that further costs and information may be called for during the course of the application process.

Signature(s) of _____
applicant(s)

Date _____

LODGE WITH Department of Lands

At the local District Office

If any advice is needed in completing this form please contact the District Office.
An applicant may provide additional information in a covering letter to further explain and support the application.

OFFICE USE ONLY

Basic fee paid \$ _____

Receipt No. _____

Application received _____

Date _____

If further advice, assistance or information is required please contact the local district office of the Department of Lands.

SECTION 3 – DETAILS OF ANY CONSTRUCTION & USE OF THE ROAD

Use (provide a general statement on whether or not any use has been made of the road for access by the public or landowners in the last 5 years, or whether the road is needed for access to properties, rivers, creeks, lakes, beaches, public reserves, railway lines etc.) --

Services (provide a list of any public authorities or persons that have reticulation services or lines laid within the road boundaries – please provide their written consent to the proposed road closing to facilitate action on the application – some may require the creation of easements in connection with the registration of a deposited plan, which shows the road to be closed) --

Construction (provide a brief statement on whether or not any construction of the public road has ever taken place - if so provide any known details such as the type of roadworks & structures, the surface material, maintenance works, the last type & date of work & whether the existing surface retains evidence of any former road construction or use.)

Unnecessary road (provide a general statement on why the road is considered unnecessary, particularly if the road is at present constructed or used, or if separate action has been or is being taken by the Roads Authority to relocate the road to another position), --

Proposed use (provide a general statement of how you envisage the land will be used if the road is closed), --

Vegetation & topography (provide a general statement on the vegetation within the road boundaries and the nature of the terrain, particularly for a rural road),

SECTION 4 – AFFECTED ADJOINING OWNERS / PUBLIC UTILITIES
DETAILS OF OWNERSHIP OF LAND ADJOINING THE ROAD

<p>1. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>2. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>3. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>4. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>
<p>5. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>	<p>6. Portion / lot DP</p> <p>Owner(s)</p> <p>Address</p> <p>Please attach documentation from the landowner to your application indicating their agreement to the road closure proposal.</p>

PUBLIC AUTHORITIES WITH AFFECTED PUBLIC UTILITIES
(e.g. power lines, water pipes, gas pipes, drainage pipes, telephone lines)

<p>Utility type</p> <p>Public Authority</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>	<p>Utility type</p> <p>Public Authority</p> <p>The proposed road closing has been discussed with the authority who has indicated the following views:</p> <p><input type="checkbox"/> No objections to closing of road</p> <p><input type="checkbox"/> Written agreement to creation of easement attached</p>
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If further advice, assistance or information is required please contact the local district office of the Department of Lands.

SECTION 5 – FOR COMPLETION ONLY BY COUNCIL - IF THE LOCAL COUNCIL IS THE APPLICANT

Council contact: _____ **Phone:** _____ **Reference:** _____

Classified Roads Is the road to be closed a classified road? ☐ No ☐ Yes (The written consent of the RTA is attached)

Roads created in private subdivisions prior to 1920 (see note in information sheet on page 3)

The land was set aside for the purposes of road in plan of subdivision DP _____

- ☐ Title to the land remains as a residue of the subdivided title in the name of the original subdivider. The reference to title is Volume _____ Folio _____ ;
- ☐ Council has made all necessary enquiries and on the basis of evidence has determined that the land is a public road by way of common law dedication; (please provide a statement regarding the evidence relied upon) or
- ☐ Council, pursuant to Section 16 of the Roads Act, has published a notice to dedicate the land as public road in the Government Gazette dated _____ folio _____

COUNCIL ROAD (land will remain vested in Council if road is closed – sec. 38(2)(b) Roads Act)

(Please tick the appropriate boxes to indicate the manner of intended disposal, which may arise from the closure of the public road. Where the land is to remain vested in Council on closure, Council should indicate below whether the land is to be vested as operational land or community land, see sec.43)

- ☐ **operational land:** ☐ sale to adjoining land owners* ☐ sale by public auction or tender
☐ sale by private treaty ☐ retention of land for Council operations
☐ other _____

☐ **community land** (if so please indicate the intended use)

General statement
outlining intended
disposal / land use

*If it is intended that the land be sold to adjoining land owners listed in Section 4, the statement could refer to "owner 1 - half width; owner 2 - full width" etc.
Note – A deposited plan, registered at the Office of Land and Property Information, NSW, will be called for from the Council prior to final closing action, after any objections have been considered and if the proposal is to proceed. The DP may be either a plan of survey, or a plan compiled from existing surveys and may show the whole of the road as one lot, or as a number of lots (plus easements) in accordance with a proposed disposal.

COUNCIL ROAD (land will vest in the Crown if the road is closed – sec. 38(2)(c) Roads Act)

☐ Road closing proposal initiated by Council

Third party

- ☐ Road closing proposal initiated with Council by third party
- ☐ Application costs have been submitted through Council by the third party

Name(s) _____ Phone No. _____

Address _____

Objective _____

JOINT ROAD OPENING / ROAD CLOSING- Proposal to close road in conjunction with a Council road opening

☐ Comment regarding need to synchronise timing of road closing to coincide with Council acquisition of other land for road or construction and opening of new road.

☐ **Request for land in closed road to be given in compensation** (For other land acquired by Council for the purposes of the Roads Act 1993, eg. a road opening associated with this road closing to improve the public road network for the benefit of the public – see section 44. Please provide details.)

If further advice, assistance or information is required please contact the local district office of the Department of Lands.