

NOTICE TO SURVEYORS T5/98

CLOSURE AND AMALGAMATION OF DEDICATED ROADS INTO THE SUBJECT OF SUBDIVISIONAL PLANS UNDER THE TRANSFER OF LAND ACT 1893

Prior to the implementation of the Land Administration Act (LAA) on March 30 1998, dedicated roads were closed under Section 288A of the Local Government (Miscellaneous Provisions) Act 1960 (LGA) and amalgamated into freehold land under Section 118A of the Land Act 1933. The above provisions have now been combined into the new LAA and appear as Sections 58 & 87 respectively. Principles remain basically the same, but the first 4 steps now are:-

1. The initial approach by the owner or his/her surveyor to the relevant Local Authority to ascertain whether or not it is willing to consider a road closure request.
2. Local Government's compliance with Section 58 of the LAA and Regulation 9 of the Land Administration Regulations 1998 dealing with any objections and service authorities responses, formally resolving to close the road, and advising DOLA in writing.
3. The surveyor is to supply sketch plans showing the location of the road and the future disposition of the land after it has been closed. In most cases the sketch will be a copy of the draft freehold plan/diagram prior to lodging. This will assist the Valuer General's Office providing valuation advice to DOLA.
4. On acceptance by the proponent of the purchase price plus stamp duty payable and any other costs associated (including easements) with the proposal, DOLA will arrange for road closure and amalgamation action to take place.

On payment of costs by the proponent, road closure and inclusion is by Ministerial Orders. A Road Closure Order and a Conveyance and Amalgamation Order will be lodged by DOLA at the same time as the owner's application for certificates of title.

Surveyors are to show an inset sketch on the freehold plan/diagram of the road closure as the Ministerial Orders describe the closed road as part of the subject land. This will also require a request in writing or facsimile (9273 7052) for the allocation of a crown location or lot number and Crown Land Title number from the Central Issuing Officer (Land Administration Services) to describe the closed road. Please see appendix A for an example of a freehold diagram with a inset sketch and attached Ministerial Orders.

When a surveyor receives advice that the plan/diagram is "in order for dealings" it is essential they advise their client or client's conveyancer to arrange with the Senior Roads Officer in Land Administration Services (telephone 9273 7298) for the Ministerial Orders to be lodged at the same time as the application for new certificates of title.

**BARRY CRIBB
MANAGER
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