

Request to Close a Pedestrian Access Way (PAW)

PLN Information Sheet No.5

How does a Landowner request the closure of a PAW?

The Western Australian Planning Commission (WAPC) has formulated Planning Bulletin No. 57 and Planning Guidelines for the closure of a Pedestrian Access Way (PAW) (October 2009) that sets out the process and factors to be considered when assessing an application for closure. A request to close a PAW should be made in writing and submitted to the City for consideration.

A request for closure of a PAW should include:

- reasons for the closure;
- details of incidences of break-ins, thefts and/or anti-social behaviour problems and the frequency of such incidences being experienced by the landowners requesting the closure;
- copies of police reports (where applicable) should also be submitted.

For a PAW to be closed at least one abutting landowner should support closure and a sufficient number of them must be prepared to purchase a portion of the PAW. This will ensure that the whole of the PAW is closed and the land is amalgamated with the abutting lots. The State Government will not support closure unless all of the land can be sold.

Is the Landowner able to purchase the whole of a PAW?

When a formal closure application is received from the property owners abutting a PAW, consideration must be given to the fact that all of the land within the PAW must be sold by amalgamation into the abutting properties. The amalgamation is to be in a manner that will preserve logical boundaries, having a regard to existing lot configurations and the presence of service plant. If any of the abutting property owners are unwilling to purchase the section of the PAW abutting their particular property, then the other abutting property owner must be prepared to purchase the full width. If the abutting property owners decline to accept the land or the costs involved, closure cannot proceed.

How much will it cost to buy a PAW?

The purchase price of the PAW land is determined by the Office of the Valuer General on behalf of the State Land Services of the Department of Regional Development and Lands. The City does not receive any proceeds from the sale of a PAW land and is not involved in the determination of its value or able to provide any advice.

What are the costs involved in closing a PAW?

All of the costs of closure are to be borne proportionally by the abutting property owners who have agreed to acquire part of the PAW land. Nearly all the costs are State Government costs and the City cannot give advice on, or control any of these costs.

The costs fall into the following categories:

- the costs of modifying or relocating public utility services assets (which are not known at this stage by the City) are payable to the service authorities who have assets that may be affected by the closure;
- the cost of a subdivision application, survey lodgement, plan preparation, land purchase and stamp duty are payable to the relevant State Government agencies. If it is necessary to engage a licensed surveyor to perform a field survey for the subdivision/amalgamation, this cost is additional and also payable by the abutting landowners to the relevant State Government agencies;
- the costs of pavement removal, fence relocation, and removal and delivery of the vehicle barriers to the City's works depot are payable to the contractors to be engaged by the abutting property owners;
- any easements that may be required to formalise access to any utility assets are to be granted free of cost to the relevant service authorities. All fees associated with those easements are to be met by the benefitting property owners. The effect of an easement is to restrict the placement of any substantial permanent structure on the easement land without prior written consent of the service authority concerned. Council may require a drainage easement or may require the cutting-off and relocation of drainage pipes, removal of footpaths and new fencing.

Other costs may be incurred. The costs of newspaper advertising, erection of closure signs and administration fees are usually met by the City. The City may require an applicant to pay for signage.

Why is advertising necessary and what does it involve?

The proposed closure of the PAW is advertised to satisfy the requirements of the Land Administration Act 1997. The proposed closure is advertised to nearby surrounding landowners and to the service authorities for comment. A notice may be inserted into a local newspaper circulating within the district inviting public comment. Advertising signs are usually erected at both ends of the PAW during the advertising period in order to alert users of the facility of the City's intention to close the PAW. The advertising period is between 21-42 days.

Why is the proposed closure advertised to service authorities?

The WAPC Planning Bulletin No.57 requires the City to consult with service authorities. The PAW may contain underground services. The service authorities may require easements to formalise access to underground sewerage, water, drainage, telephone and electricity lines. Other services such as pressure water mains or gas lines may require the abutting landowners to share the cost of cutting off, capping and relocating the services. These requirements are determined by the service authorities.

Under what circumstances would the PAW remain open?

Generally it is unlikely that closure will be recommended if the PAW forms part of a strategic link to community facilities such as bus routes, railway stations, schools, facilities, aged persons housing, shops or parks etc, or if they form part of a convenient pedestrian/cyclist network.

The WAPC/Department of Planning may oppose a PAW closure, which usually prevents the City from proceeding with a PAW closure as required by Planning Bulletin No.57. A combination of services, a major service and costs of relocating services or community need may preclude the closure of the PAW. As an alternative to closure, the City may consider upgrading the PAW.

Council's consideration of PAW Closure

On receipt of a response from the Department of Planning, a report will be submitted to a subsequent Council meeting for its decision. If Council resolves to support closure, the applicants and respondents will be advised accordingly and a request will be sent to the State Land Services of the Department of Regional Development and Lands to close and dispose of the PAW. The applicants and respondents will also be informed if the PAW closure is not approved by Council.

Further information

1. Department for Planning and Infrastructure: Procedural Guidelines for the Closure of Public Access Ways and Rights of Way having a connectivity function (2009):
http://lands.rdl.wa.gov.au/mediaFiles/PAW_Guidelines.pdf
2. WAPC Planning Bulletin No.57/2009A: Planning Guidelines for the Closure of a Pedestrian Access Way:
<http://www.planning.wa.gov.au>
3. Government of Western Australia's Land Administration Act 1997:
http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_509_homepage.html
4. The City's Town Planning Scheme No.4:
http://www.armadale.wa.gov.au/services_and_facilities/planning/town_planning_scheme_no4/
5. The City of Armadale's Schedule of Fees and Charges:
http://www.armadale.wa.gov.au/Home/Services_and_Facilities/Planning

For further information please contact the City of Armadale by telephoning (08) 9399 0111 or emailing **info@armadale.wa.gov.au**.

Please Note: The information contained in this brochure is intended as a guide only. It is recommended that the advice and assistance from the relevant authorities be sought prior to lodgement of the application. The City of Armadale disclaims any liability for any damages sustained by a person acting on the basis of this information.

Pedestrian Access Way Closure Process Flow

Adapted from Appendix 3 WAPC Planning Bulletin No. 57

Guide to Abbreviations:
City - City of Armadale
DoP - Department of Planning
PAW - Pedestrian Access Way
SLS - State Land Services of the Department of Regional Development and Lands
WAPC - Western Australian Planning Commission

