

Information Sheet
**General Information for the Closure of
Pedestrian Accessways (PAW)
and Right of Ways (ROW)**



City of
Greater Geraldton
a vibrant future



May 2010

town planning services

I have a laneway next to my property and I want it closed. What do I need to do?

Speak to adjoining landowners of the laneway first, to see if they agree with the idea of trying to get it closed. The reason for this is that if the application is supported, the land may have to be bought by adjoining landowners; not just closed off. However, there are other options for closure in special circumstances. Should the adjoining landowners agree with the idea of trying to get the laneway closed, write to the City providing reasons why you want it closed.

Are there any application fees applicable?

A non-refundable administration fee must be paid before the application can be evaluated by the City. Please refer to the City's Town Planning Services fees for more information. Other adjoining landowners to the laneway may consider making a contribution towards the administration fee.

All costs associated with the closure of the laneway are passed on to the adjoining landowners who have agreed to acquire the land if the application to close the laneway is successful. Some known costs are a title search, relocating services, acquisition of land and surveying costs.

Can't the City just fence off the laneway at both ends?

No. A laneway can't be 'blocked off' as it is a public thoroughfare. It must be formally closed.

What is the process to request to close a laneway?

Once a written request for closure is lodged with the City of Greater Geraldton, utilities such as gas, power, telephone and water are contacted to find out if any services exist in the laneway (pipes, cables etc). The laneway is also checked to see if there is any drainage infrastructure within it and an assessment is undertaken as to its level of connectivity.

The proposed closure is also advertised for public comment. Comments are sought from residents within the immediate area. This is done by forwarding correspondence to local landowners and erecting a sign in the vicinity.

Once advertising has closed and if, after being provided with this information, the adjoining landowners wish to continue to the next stage, then the application is assessed including the results of the advertising and a report is prepared which is placed before Council for a decision. If Council supports the closure, the matter is referred to the Department of Regional Development and Lands (DRDL) for final approval.

Can I contact the service authorities myself to see if there is any services within the laneway?

Yes you can, although the City will still need to write to the services authorities formally if a laneway closure application is made. If one of the services authorities advises that it has 'major services' within the laneway that may not be readily modified or moved, then you may need to reconsider making an application for closure, as closure could not be supported.



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Why does the application for closure need to be advertised for public comment?

It is a condition under the DRDL's Guidelines that an application for closure is advertised for public comment for thirty days. It is important for people who use the laneway to know that there is a proposal to close it.

How is the land within the laneway divided between the adjoining landowners if the application is supported?

At least one adjoining landowner to the laneway must agree to buy the land and pay all associated costs involved. If this agreement is not available, it is not possible to close the laneway. However, there are other options available in special circumstances. The City writes to all adjoining landowners when it receives an application to close a laneway to find out if they support the closure and if they would be interested in purchasing a portion of the laneway.

What will the land cost?

The land in the laneway is Crown land. If closure goes ahead, it must be bought from the DRDL. The DRDL does not provide land valuations unless Council has supported the application. However, generally, the cost of the land is at market value.

What sort of things does the City consider prior to the determination of the application for closure of the laneway?

Generally, if an accessway forms part of a strategic link to community facilities such as bus routes, shops or parks or if it forms part of a safe and convenient pedestrian / cycle network, it is unlikely the closure will be recommended. Provided an accessway does not form such a link, closure may be supported by the City where there is evidence of unacceptable nuisance suffered by residents because of improper use or anti-social behaviour.

What happens after Council makes a decision on the laneway closure application?

If Council makes a decision to support the closure, the DRDL will be asked to provide its support. It takes approximately 6 months to obtain a Council decision on a PAW closure application.

If Council does not support an application, the laneway cannot be closed. However, the City may look at other ways it may be able to alleviate any problems perceived to be caused by the laneway.

What happens if Council supports my application but the DRDL does not?

If the DRDL does not support an application to close a laneway, the closure cannot proceed.

Who has to support the application?

Council and DRDL both need to support the application for closure. The Minister for Lands has the final say in closing PAWs and ROWs.

Are there any other procedures that need to be done with the laneway is closed?

Once a decision is made to close a laneway, a subdivision application must be made to the Western Australian Planning Commission (WAPC) for the amalgamation of the land. If the WAPC approves this, a Deposited Plan is sent for endorsement. All documents are prepared by the DRDL in conjunction with the WAPC. This process adds to the time it takes to close the laneway and, again, all costs must be borne by the applicant(s).

Who can I speak with at the City about making an application for closure?

Call the City's Town Planning Services on (08) 9956 6900 or call into the Cathedral Avenue office, Geraldton during office hours and ask to speak to a Town Planning Officer.