Rights of Way closure process

- The closure of a ROW is effected under the Land Administration Act 1997, and in accordance with Department of Planning, Lands and Heritage (DPLH) policy and practices.

- The process is undertaken by the City and DPLH in consultation with the Western Australian Planning Commission and adjoining landowners.

- The City will take guidance from the ROW Management Strategy and Council Policy N101008 'Rights of Way – Closures' when considering a ROW closure request.

- For closure to occur, the land in the ROW must be purchased by the adjoining landowners from DPLH for inclusion into their respective lots. Each lot owner may acquire a half portion adjoining their lot, or a full width portion where appropriate.

- Closure of a ROW is less likely to occur if agreement to the closure is not obtained from all adjoining landowners.

- If a lot adjoining a ROW is part of a strata plan, written agreement to the closure and purchase of the ROW is required from every owner in the strata plan or from the strata company.

- Partial closure of a ROW is generally not supported where this would result in a considerable length of the ROW being dead-ended, narrowed or a residual portion of the ROW being land-locked.

- The owner acquiring the closed portion of the ROW adjoining their lot (Acquiring Owner) is responsible for paying all costs associated with the acquisition and amalgamation of that portion of the ROW into their lot. These costs include, without limitation, the purchase price for the portion of the ROW land, any service relocation or grant of easement required, survey costs, documentation costs and statutory fees.

- The purchase price for each portion of the ROW is determined by DPLH once an application for closure has been initiated by the City. The purchase price is generally based on market valuation. However, where closure of a ROW is due to anti-social issues and the addition of the closed portion of the ROW will not result in an increase to the development potential of the recipient lot, then a nominal purchase price may be approved by the Minister.

- The Acquiring Owner is responsible for fencing the additional area into their property on completion of the closure and purchase process.

- The closure process generally takes a minimum of 12 to 18 months from commencement to completion, depending on the timeliness and availability of owners' agreements to acquire the land in the ROW.