

City of Albany

**Right of Way Closure Report**

# **Crown ROW Lot 67 on Diagram 43978**

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## Purpose

Crown Rights of Way (ROW) that have been vested with the Crown under Section 20 of the *Town Planning and Development Act 1928* (now section 152 of the *Planning & Development Act 2005*) are owned by the State of Western Australia. Their purpose is to provide for future road access and as such, their closure is not generally supported unless a Local Government can demonstrate that this land is no longer required

The objective of this ROW closure report is to provide an assessment of the identified Crown Right of Way proposed for closure, as per the Western Australian Planning Commission publication – *Procedures for the Closure of Pedestrian Access Ways Planning Guidelines*.

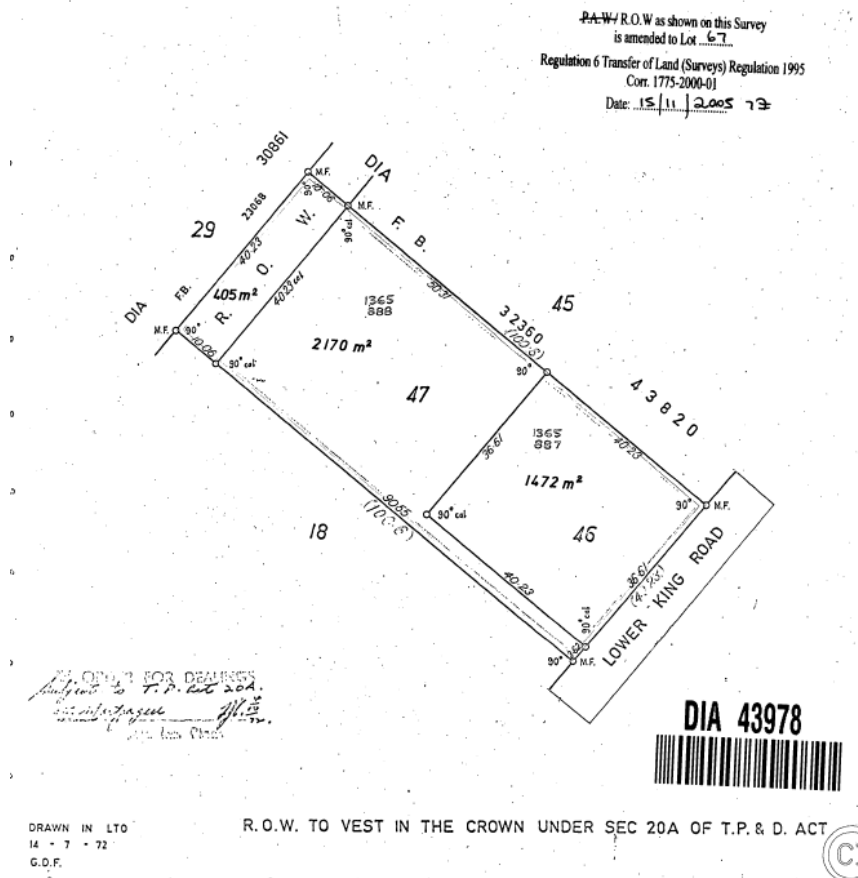
Service providers, the Western Australian Planning Commission, adjoining landowners and other stakeholders are asked to consider the current and future use of this land and provide a response to the City of Albany either in either support of or objection to the proposed ROW closure.

## Proposal

On 25 March 2019, the City of Albany received a request from the adjoining landowner of Lot 47 to purchase Crown ROW Lot 67 on Diagram 43978. In order to dispose of this land the City is required to undertake closure of the ROW, as per section 58 of the *Land Administration Act 1997*.

## Right of Way description

Lot 66 on Diagram 43978





## Connectivity assessment

### 1. Physical assessment

Assessment criteria	Comment
Location	Landlocked lot located at the rear of residential property Lot 47 No. 513 Lower King Road
Design characteristics	Undeveloped 10m x 40m rectangular lot. Land area of 405m <sup>2</sup> . Northeast orientated elevated site.
Lighting	None
Level of casual surveillance	None – only accessible through adjoining private land
Condition	Undeveloped vacant land
Fencing	Open along eastern boundary. Ad hoc sheets of weldmesh, ring lock and cyclone fencing in poor condition
Vegetation	Parkland cleared with remnant vegetation. Kikuyu groundcover with one weed tree (Sydney wattle / <i>Acacia longifolia</i> ) and several native tree species (Jarrah / <i>Eucalyptus marginata</i> )

Connectivity	None: <ul style="list-style-type: none"> <li>• Landlocked lot</li> <li>• Closure will not result in loss of connectivity to existing or future public amenities within direct proximity to the site</li> </ul>
Maintenance	Occasionally mowed by adjoining landowner to reduce fuel load for fire mitigation.

Usage assessment- Inaccessible to the public. Surrounding land is in freehold title with no public services within 100m.

Services - No services are located within this ROW.

Walkability catchment calculation – 28% i.e. 28 percent of the catchment area is within 5 minutes' walk of the ROW.

Planning considerations - The ROW and properties directly adjoining are zoned Residential R20 under the City of Albany Local Planning Scheme No. 1. The eastern adjoining site is a large undeveloped privately owned site (over 1,600ha) that adjoins other large Residential zoned sites further east and south. There is no Local Structure Plan in place for the area or Local Development Plans in place for these adjoining undeveloped sites.

Future development of these lots will need to address matters such as connectivity and access, especially in relation to bushfire management. However, due to its alignment and context, the retention of the subject Crown ROW to allow for the undeveloped lots to meet this requirement, or otherwise generally for future use as a public road or for pedestrian access is not considered to meet orderly and proper planning principles and therefore not required.

## Summary

Lot 67 is an undeveloped landlocked lot that has been inaccessible to the public since its creation in 1972. The adjoining landowner at Lot 47 (No. 513) Lower King has been maintaining the vegetation to reduce fire risk.

Due to the alignment of Lot 67, disposal in its entirety to the adjoining landowner of Lot 47 is recommended.



## Appendices

### Appendix A – ROW Photos



*Figure 1: ROW shown from north-west corner (photo taken 26/06/2022)*





*Figure 2. ROW shown from south-west corner (photo taken 26/06/2022)*



# Appendix B – Walkability Assessment Map



## Crown ROW Lot 67 on Diagram 43976 Walkability Assessment Map

**City of Albany**

This map has been produced by the City of Albany using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

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