

City of Albany

Right of Way Closure Report

Crown ROW

Lot 66 on Diagram 39435

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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

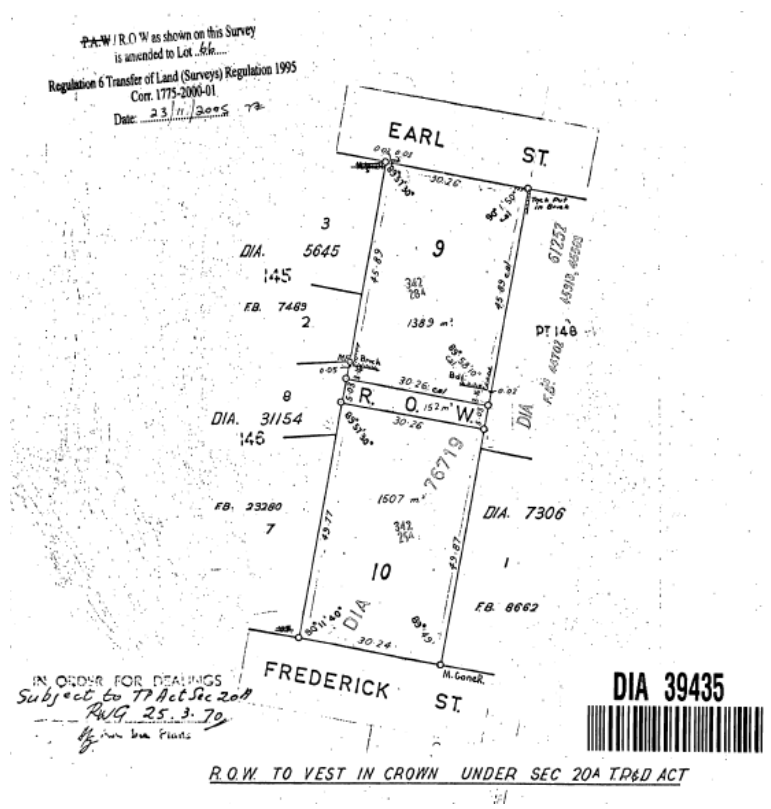
On 5 May 2021, the City of Albany received a formal request from the adjoining landowners of No. 79 (Lot 5) Earl Street to purchase Crown ROW Lot 66 on Diagram 39435. This was informed from previous discussions between the landowner, the Department of Planning Lands & Heritage and the City of Albany, regarding a group dwelling proposal for Lot 5.

Development approval P2180632 was granted in December 2019 for the construction of 13 Grouped Dwellings (two storey townhouses) at 79 Earl Street, with amended plans to the previous approval P2180632 subsequently approved in March 2021. Construction commenced for the development in late 2020. The design of the proposal allows for the ROW to be used as a thoroughfare, to service the townhouse development currently under construction on adjoining Lot 5, to support provision of vehicle access from the rear adjoining development at 70-74 (Lot 101) Frederick Street. The proposed use of the land as a thoroughfare is pending the outcomes of this ROW closure proposal.

In order for the State Government to dispose of Lot 66 to the adjoining Lot 5, 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 39435



Connectivity assessment

1. Physical assessment

Assessment criteria	Comment
Location	Landlocked lot located at the rear of residential property No. 79 (Lot 5) Earl Street, Albany
Design characteristics	Semi-developed 5m x 30m rectangular lot. Gravel pavement with 2 stormwater soak wells installed with a 600mm limestone retaining wall constructed 600mm within the southern boundary of the ROW. Land area of 152m ² . East-west orientated site.
Lighting	None
Level of casual surveillance	Sight lines from adjoining Aberdeen Street and Frederick Street properties. Only accessible through adjoining private land from either Lot 5 Earl Street (north) or Lot 101 Frederick Street (south)
Condition	Under construction
Fencing	Ringlock along the southern boundary adjoining No. 70-74 (Lot 101) Frederick Street
Vegetation	None
Connectivity	None: <ul style="list-style-type: none"> • Landlocked lot, surrounded by land in private ownership • Closure of ROW and proposed conversion to thoroughfare will not result in loss of connectivity to existing or future public amenities within direct proximity to the site
Maintenance	Currently being developed for the passage of vehicles – a use consistent with the current land tenure

Usage assessment – currently 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 – 83% i.e. 83 percent of the catchment area is within 5 minutes walk of the ROW.

Planning considerations – the proposed closure of the ROW and conversion to thoroughfare to support vehicle access from Frederick Street to the Grouped Dwelling development currently under construction on Lot 5 Earl Street is supported, as it unlikely to have a detrimental impact on the amenity of the locality and the outcome is consistent with orderly and proper planning principles.

Summary

Lot 66 is a landlocked lot that has been inaccessible to the public since its creation in 1970. The adjoining landowner at Lot 5 (No. 79) Earl Street has upgraded this land as a thoroughfare, as part of the development of Lot 5, which has been supported by the State Government (ROW owner) and is consistent with the current land tenure. Therefore disposal of Lot 66 in its entirety to the adjoining landowner of Lot 5 is recommended.

Appendices

Appendix A – ROW Photos



Figure 1: ROW shown from eastern boundary looking west (photo taken 6/10/2022)



Figure 2. ROW shown from western boundary looking east (photo taken 6/10/2022)

Appendix B – Walkability Assessment Map



SCALE @ A4:
 0 25 50 100 Meters
 Date Printed: 5/10/2022

**Walkability catchment assessment - Proposed Crown ROW closure
 Lot 66 on Diagram 39435**



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