

Pedestrian access ways: request to close

I have a pedestrian accessway (PAW) next to my property and I want to request it be closed. What do I need to do?

In the first instance, speak to the other owners of properties adjoining the PAW to see if they agree with the idea of closing the PAW. This is because if the application is supported, the land must be purchased by the adjoining landowners. You should also refer to the City's *Closure of Pedestrian Accessways Policy*, available on the City's website.

If the adjoining landowners agree with the idea of closing the PAW and would be prepared to purchase the land, write to the City outlining your reasons why you want the PAW closed, including signed consent from all land owners.

Can the City not just fence off the PAW at both ends?

No. A PAW can't be "blocked off" as it is a public thoroughfare, therefore it must formally be closed.

Rather than closure, can I request that the PAW is appropriately maintained?

Yes, if you are concerned about hazards or the maintenance of a PAW, please report it to the City.

What is the process to request closure of a PAW?

Once a written request for closure is lodged with the City and fees paid, service authorities such as ATCO Gas Australia, Western Power, Telstra and the Water Corporation are contacted to find out if any services exist in the PAW (pipes, cables etc.). The PAW is also checked to see if there is any drainage infrastructure within it and an assessment is undertaken as to its level of connectivity.

If, after being provided with this information, the adjoining landowners wish to continue to the next stage, then the proposed closure is advertised for public comment. A letter and questionnaire are sent to residents within a 400 metre radius of the PAW, signs are erected at either end of the PAW, and a notice placed on the City's website. Any advertising undertaken will be at the applicant's cost.

Once advertising has closed, the application is assessed against the City's *Closure of Pedestrian Accessways Policy* and a report is prepared for consideration by Council. If Council supports the closure, the matter is referred to the Department of Planning, Lands and Heritage (DPLH) for final determination.

What are the application fees?

A non-refundable assessment fee must be paid before the application will be progressed. This fee is outlined in the City's Planning Services Fees and Charges.

If the application to close the PAW is successful, all costs associated with the closure of a PAW are passed on to the adjoining landowners who have agreed to purchase the land.

Can I contact the service authorities myself to see if there are any services within the PAW?

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

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

As a PAW is a public facility, it is important for people who use the PAW to know that there is a proposal to close it.

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

Generally, if an accessway forms part of a strategic link to community facilities such as bus routes, railway stations, shops or parks, or if it forms part of a safe and convenient pedestrian/cyclist network, it is unlikely the closure will be recommended. If there is evidence of unacceptable nuisance suffered by residents' due to improper use of the PAW or anti-social behaviour, the City may support closure provided the accessway does not form part of a strategic link.

What happens after Council considers a PAW closure application?

If Council supports an application, the City will write to the adjoining landowners. They will be informed about Council's decision and advised that the DPLH will now be asked to determine the proposal. It takes approximately nine months to obtain a Council decision on PAW closure application. If Council does not support an application, the PAW cannot be closed. In accordance with the City's policy, a new application may be submitted to Council for reconsideration no less than 18 months after the date of the original decision.

What happens if Council supports my application but the Department of Planning, Lands and Heritage does not?

Council and DPLH both need to support the application for closure.

If the DPLH does not support an application to close a PAW, the closure cannot proceed. Once the City has received the DPLH determination, it will write to the adjoining landowners to advise them.

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

At least one adjoining landowner at each end of the PAW must agree to buy the land and pay all associated costs involved. If this agreement is not reached, it is not possible to close the PAW. The City will write to all adjoining landowners when it receives an application to close a PAW to find out if they support the closure and if they would be interested in purchasing a portion of the PAW.

What will the land cost?

The land that makes up the PAW is Crown land and the DPLH is responsible for providing land valuations. If closure goes ahead, it must be purchased and amalgamated into the adjoining landowner's property. The DPLH will only provide land valuations once the closure application has been approved. However, the cost of the land is generally market value.

Are there any other procedures that need to be undertaken when the PAW is closed?

Once a decision is made to close a PAW, DPLH will advise the landowners of the actions needed to formally close the PAW, which includes an application to the Western Australian Planning Commission (WAPC) for the amalgamation of the land. This process adds to the time it takes to close the PAW and, again, all costs must be borne by the applicant(s).

Further information

For further information view the *Closure of Pedestrian Accessways Policy* on the City's website, contact the City's Planning Services on **9400 4100** or email **info@joondalup.wa.gov.au**