

#### **4.3 PRIVATE RIGHT OF WAY BETWEEN MINERVA AND SALVATOR STREETS NORANDA, WEST OF VERNON STREET - REQUEST TO EXTEND AREA OF CLOSURE**

(Ballajura) (Operations)

##### **KEY ISSUES**

- A request to close the private right of way (ROW) between Minerva and Salvator Streets, Noranda, west of Vernon Street was considered by Council on 5 July 2006.
- In line with its policy on the closure of private rights of way, Council supported only the closure of the portion of ROW west of the western boundary of Lots 41 and 94 due to an objection from the owners of one of those lots. Because the objectors' lot was situated at the very eastern end of the ROW there was no impediment to closure of the balance.
- The right of way is in the ownership of a deceased estate.
- Subsequent to Council's decision the proposal was forwarded to the Department for Planning and Infrastructure for final determination.
- Correspondence has now been received from the owners who originally objected to the proposal wishing to revoke their objection enabling closure of the portion of right of way behind their property to proceed.
- The Department for Planning and Infrastructure has advised that it requires a further resolution of Council to include this portion of right of way in the closure application for the balance which is currently being processed.

It is recommended that Council support the closure of the portion of the subject private right of way between Lots 41 and 94.

##### **BACKGROUND**

At its meeting of 5 July 2006, Council considered an application to close the private right of way situated between Minerva and Salvator Streets (west of Vernon Street) Noranda. As a result of an objection from the owners of a property at the very eastern end of the right of way Council, in line with its policy on private rights of way, resolved to support only the closure of the portion of right of way west of the western boundaries of Lots 41 & 94. The objectors' main concerns appeared to relate to the difference in levels between their property and the property to the rear.

The applicants were advised of Council's decision and the matter was forwarded to the Department for Planning and Infrastructure for final determination.

## **REPORT**

Correspondence has now been received from the owners who objected to the proposal advising that they wish to revoke their objection. It appears these owners have since had discussions with the owner of the property on the opposite side of the right of way and are now happy for closure to proceed.

The Department for Planning and Infrastructure has advised that for it to consider the closure of this portion of right of way in conjunction with that earlier supported by Council a further resolution of Council is required.

## **ATTACHMENTS**

Plan showing the subject portion of private right of way.

## **STRATEGIC IMPLICATIONS**

Nil, bearing in mind that the balance of the right of way is likely to be closed.

## **STATUTORY ENVIRONMENT**

Right of way closures are given effect by Section 52 of the Land Administration Act.

## **FINANCIAL IMPLICATIONS**

Nil

## **RECOMMENDATION**

That the Council resolve to:

- 1) Note the revocation of an earlier objection to the closure of the portion of right of way adjacent to the objectors' property.
- 2) Support the closure of the portion of private right of way between Minerva and Salvator Streets (west of Vernon Street) Noranda situated between Lots 41 and 94 subject to all costs associated with closure and disposal of the right of way, including satisfying service authority requirements, being met by those owners who will be receiving land.
- 3) Advise owners and the Department for Planning and Infrastructure (State Land Services) accordingly.

**CARRIED**