



Land Administration - form 2.2

Application to Close the Whole of a Portion(s) of Private Road or Private Right of Way (ROW)

Private road closure and amalgamation with the adjoining property/s pursuant of Section 52 of the *Land Administration Act 1997* ("Act"). This section of the Act may be initiated when the registered proprietor/s of the private Road or private Right of Way (Road/ROW) is deceased and where the Probate Office has no record of an application or Will relating to the land.

Private road/ROW details:

Certificate of Title details: Volume..... Folio.....

Lot No..... Street No.....Plan No.....Diagram No.....

Lot Area (m2)..... Suburb

Registered Proprietor/s name as shown of the Certificate of Title:

.....
.....

To Private Road/ROW - the closest or adjoining Lot No.

Nearest Street Intersection

City of Fremantle Right of Way number (if Known).....

Amalgamation (Property 1)

Adjoining land details:

Lot No/s House/Street No. Location No. Diagram or Plan

Certificate of Title: Volume.Folio Lot Area (m2)

Street Name Suburb

Registered proprietor/s name.....

.....

Amalgamation (Property 2)

Adjoining land details:

Lot No/s House/Street No. Location No. Diagram or Plan

Certificate of Title: Volume.Folio Lot Area (m2)

Street Name Suburb

Registered proprietors name/s

.....

.....

(Please attach a separate sheet if there are more than 2 properties being the subject of amalgamation).

Applicant details:

Name

.....

Address

Phone (work) (Home) (Mobile).....

Fax Email address

*Please attach the current fee as listed in the attached fees and charges schedule

Signature Date

Agreement to the proposed private Road/ROW closure and amalgamation is required in writing from all owners whose properties adjoin and have a right to use the private Road/ROW. A Strata Titled property will require a letter from the Body Corporate in agreement to the closure and amalgamation. You may wish to consult a conveyancing specialist to co-ordinate the application on your behalf.

All property owners wishing to purchase of a portion of a closed private Road/ROW must agree to pay all costs involved in the process.

Dial Before You Dig (DBYD) enquiry

Please include the results of a DBYD enquiry with your Application.

The DBYD online enquiry is located from the following webpage <https://www.1100.com.au/>

Applicant's comments:

Please describe the purpose and future use of the proposed purchase of a part or whole portion of a private Road or private ROW

[illegible]

CITY OF FREMANTLE

PRIVATE ROAD OR RIGHT OF WAY (ROW) - CLOSURE PROCESS -

A partial or full private Road/ROW closure may be initiated through Section 52 of the *Land Administration Act 1997* ("Act") where the owner/s of the land is deceased and where Probate searches cannot locate a living owner/s.

Under the Act, Local Government must initiate a private Road or private ROW (Road/ROW) closure process on behalf of the applicant/s. Subject to Councils approval and as a part of the closure process, the Local Government informs the Minister of the proposed future disposition of the land in the closed road to adjoining land holders. Section 87 of the *Land Administration Act 1997* provides the means for disposal of the land in a closed road by lodgement of a Conveyance and Amalgamation Order by the Department of Planning, Lands and Heritage (DPLH) Lands Division.

The City of Fremantle process is detailed below:

1. **Applicant/s** to complete the attached Land Admin form 2.2 titled; "Application to Close the Whole or a Portion(s) of Private Road or Private ROW". You may wish to consult a conveyancing specialist to co-ordinate the application on your behalf.
 - 1.1. The application must include a sketch or survey drawing of the area and any other relevant plans, diagrams or certificate of titles describing the subject portion of private Road/ROW.
 - 1.2. Include a Dial Before You Dig (DBYD) enquiry with your application. Online enquiry is available from the DBYD webpage <https://www.1100.com.au/> With the exception of Telstra, all other public utility services do not charge for this service. Telstra has implemented a charge of \$180.00 from 2nd September 2019 for all DBYD enquires (Telstra may adjust the current charge into the future)
 - 1.3. Include the application fee listed on the City of Fremantle *Webpage Schedule of Fees and Charges - Planning* and made payable to the City of Fremantle.
 - 1.4. Supply the City of Fremantle with a letter of agreement to pay all costs involved in the closure and amalgamation process. The letter must be signed by all adjoining land owners who propose to amalgamate a portion of the private Road/ROW with their property. A Strata Titled property will require the agreement of the Body Corporate.
 - 1.5. Supply all results of ownership searches carried out including Probate Searches.
2. The formal application will be circulated to council officers for preliminary comments and investigation.
3. A council resolution will be sort **to advertise** the proposal and subject to no objections received during advertising; consider a partial or full private Road/ROW

closure in accordance with the Act. The applicant will be required to pay all advertising costs.

- 3.1. The proposed closure is advertised in a local paper with a 30 day public comment period.
- 3.2. Public utilities must be contacted for their comment.
- 3.3. Referral to the Office of State Heritage (OSH) pursuant of Section 11 of the *Heritage of Western Australia Act 2009* in the instance where the proposal is likely to affect a property listed on the State Heritage Register.
4. The City will consider any objections received after the closure of advertising in a second report to Council.
5. Subject to Council approval – the applicant/s will be required to provide the City with a draft Deposited Plan or sketch (“Plan”) from a licenced surveyor approved by Landgate.
 - 5.1. The City will then apply to DPLH (Lands Division) to close the private Road/ROW in accordance with the Council resolution and the Act.
6. A copy of the Plan and all other relevant information is sent to DPLH for the Ministers approval. **This ends the role of Local Government** - the applicant will be dealing directly with the Western Australian Planning Commission (WAPC), DPLH and Landgate from this point onward. The amalgamation is treated as a subdivision by the WAPC (fees and statutory charges apply).
7. Subject to the Ministers approval the closed road then becomes the ownership of the Crown (State) for disposal. A valuation is undertaken by DPLH’s Valuation Services. The applicant/s surveyor will submit all survey details including the new Deposited Plan to the WAPC and liaise with DoL and Landgate.
8. DPLH will provide the applicant/s with an Offer and Acceptance (OA) requesting payment of the subject land including statutory charges. The OA's require stamping (the payment of stamp duty) by the applicant at the Office of State Revenue in Perth.
9. The applicant/s must make an application for a new Certificate of Title at the Landgate Office in Midland. Landgate fees and charges apply. In the case of Strata Lot owners the amalgamated land will be merged into the common property rather than the owner's individual lots. Further steps are required to transfer the amalgamated land from the common property into an individual lot.