

12.1 – Elected Member Questions of which Notice has been Given - Roads that Traverse Private Land (SJ4373)

Elected Member	Councillor Duggin
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

The following question was received from Councillor Duggin via email on Thursday, 8 February 2024.

Question 1

Please provide details of roads that traverse private land to provide access to the property of a third party. Can the response please include a map and approximate distances?

Officer Response

Roads which traverse private land are described as private roads.

The term is applied to those roads set out on a plan of subdivision of privately owned land, under s167A(1) of the *Transfer of Land Act 1893*.

This was an adopted practice at the turn of last century, whereby private roads / private rights of ways were used to facilitate sanitary collections from the rear of subdivided lots, which predated the *Town Planning and Development Act 1928*.

Such private roads were appurtenant only to those lots on the plan which abutted the private road.

Within the Shire, the examples of private roads that did exist, but no longer exist, were concentrated around the early subdivision of Old Byford. These were:

1. Lot 400 – located between Charles Street and William Street.
2. Lot 401 – located between Blytheswood Road and Park Road.
3. Lot 402 – located between Brown Street and Shelley Street.
4. Lot 403 – located between Clara Street and Blytheswood Road.
5. Lot 404 – located between Blytheswood Road and Mary Street.
6. Lot 405 – located between Amy Street and Catherine Street.
7. Lot 406 – located between Shelley Street and Park Road.
8. Lot 407 – located between South Western Highway and Mary Street.
9. Lot 408 – located between Mary Street and Amy Street.
10. Lot 409 – located between May Street and Catherine Street.

Council, at the 28 April 2014 meeting, resolved under Section 56 of the *Land Administration Act*

Contact Us

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In Person

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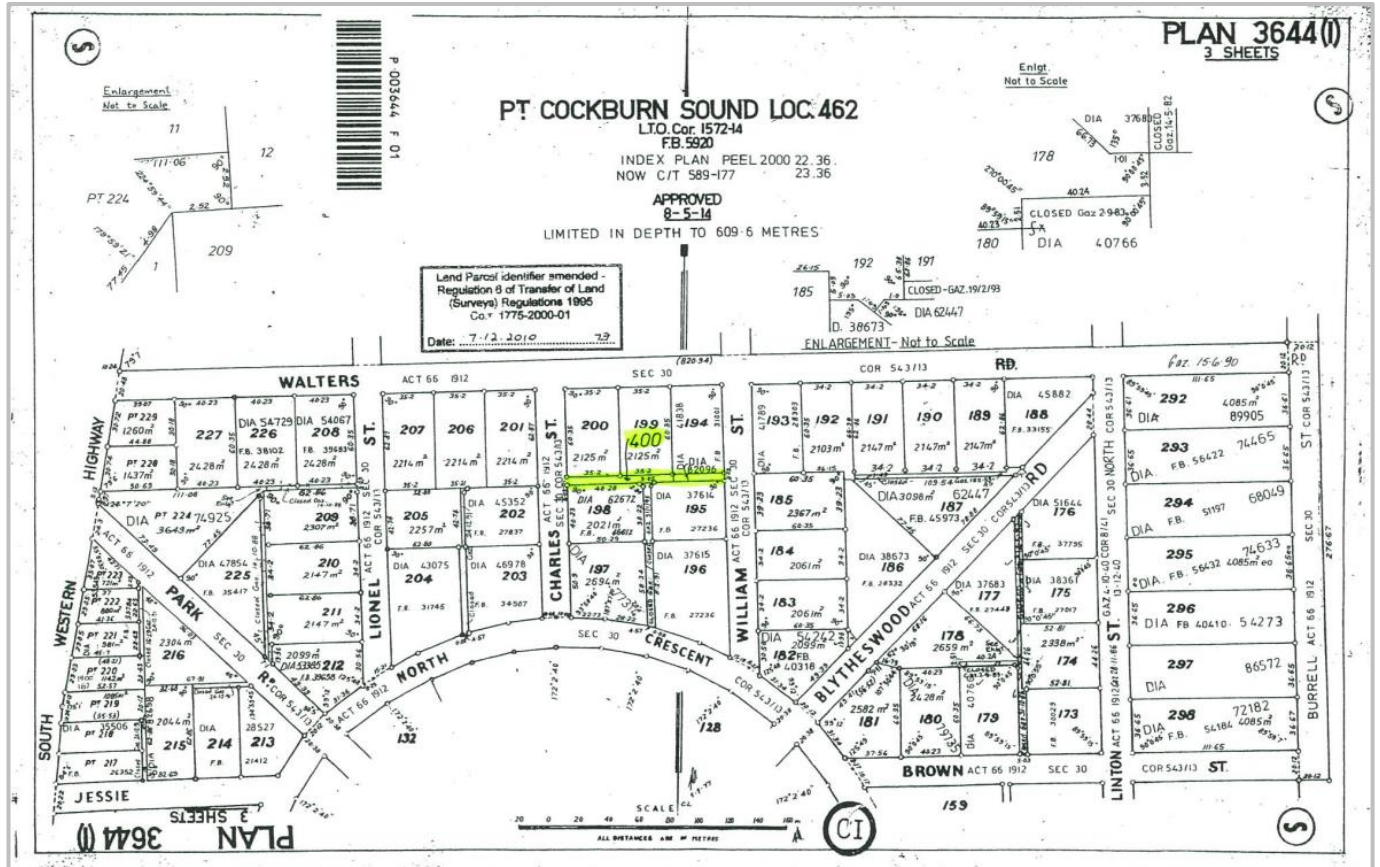


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1997 for these private rights of ways to be dedicated as public roads. The Minister agreed to this, placing responsibility for these new public roads with the Shire.

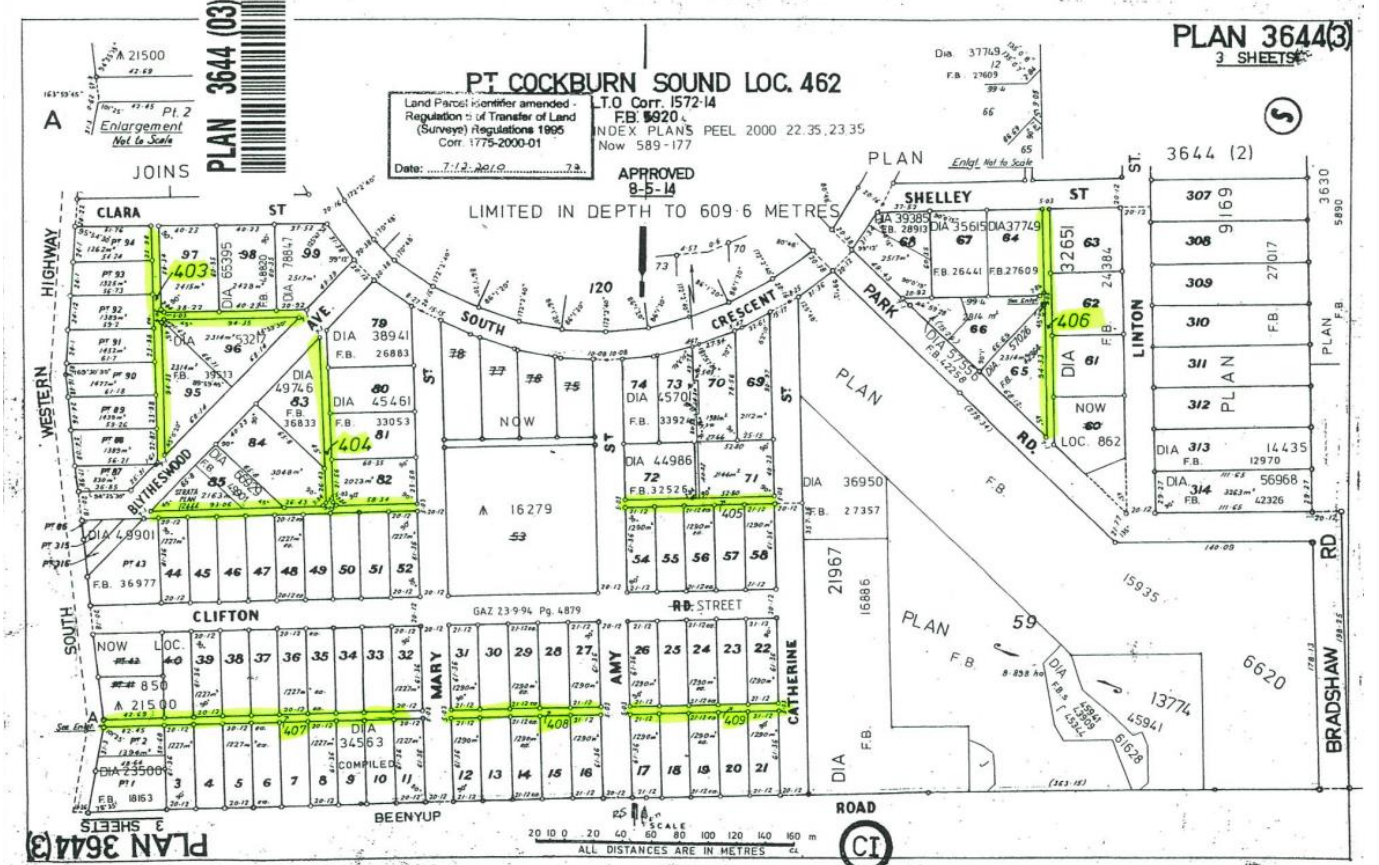
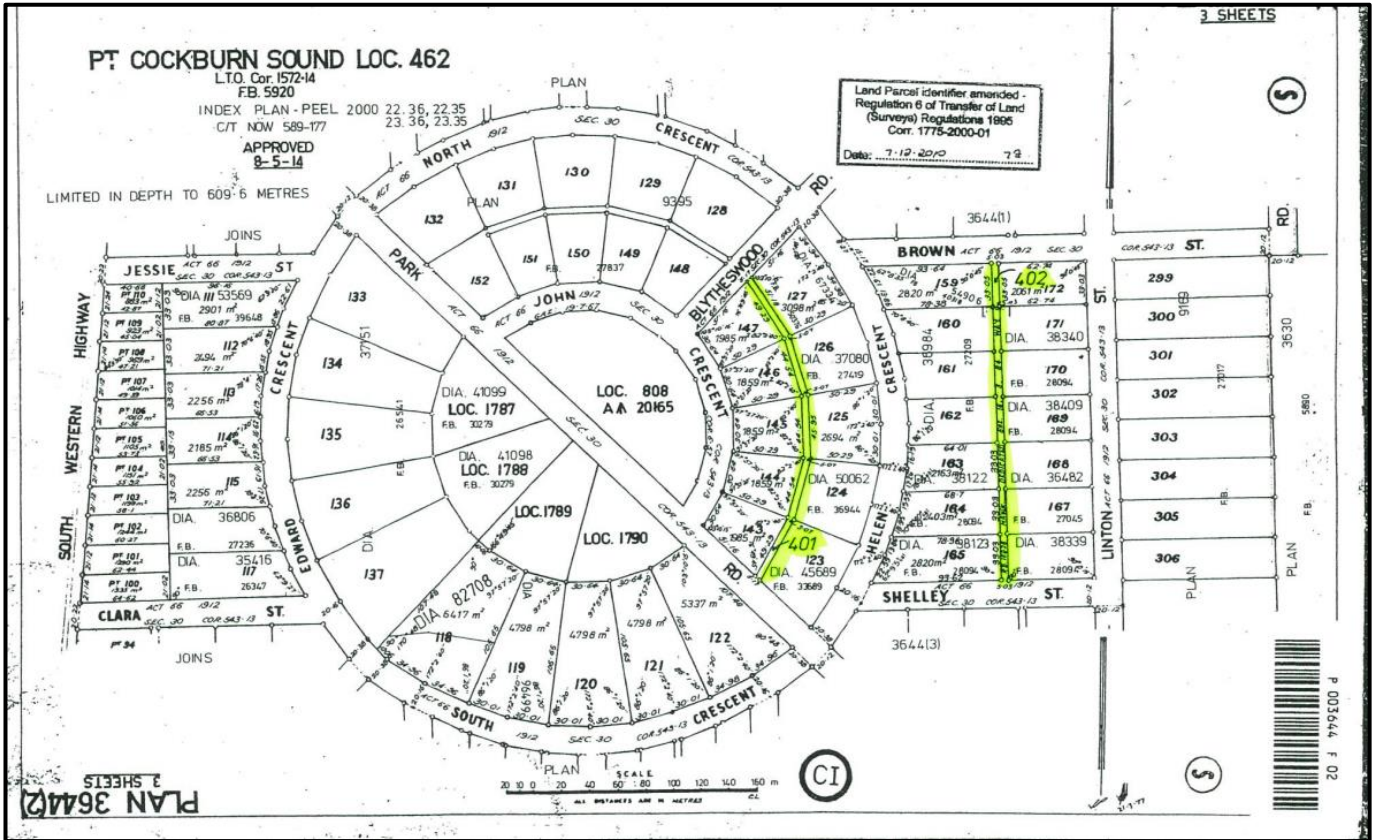
Being private roads shown on a plan of subdivision, no compensation is payable when such are vested as public roads.





Continued

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The laneways of Serpentine and Mundijong were not created privately, but rather publicly.



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of which Notice has been Given - Roads that Traverse Private Land
(SJ4373)**

Officers are not aware of any examples of any current private roads as defined under the *Transfer of Land Act 1893*.

Throughout the Shire's larger land holding areas, for example in rural residential subdivision, it is common that some properties will share access legs to gain legal road frontage (to a Shire public road). This sharing is formalised through a reciprocal rights of access easement over such access legs. These easements remain as private arrangements, with benefiting and burdening allotments as set out in the reciprocal rights of access agreement.