

Policy Number: Local Planning Policy No xx
Policy Title: Rights of Ways

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. xx - Rights of Ways.

2. Policy Statement

Rights of Ways (ROWs) were created as part of the original subdivision of the surrounding properties, and are generally in private ownership. They are private rather than public streets, and generally may only be legitimately used by the landowners of adjoining properties. In addition to providing convenience access and containing public infrastructure, they can allow carports and garages to be provided at the rear of the properties that can lead to improved streetscapes.

This Policy should be read in conjunction with the Council-adopted ROW Strategy (adopted 22 March 2022).

3. Policy Objectives

- (a) Prescribe the design standards for development and subdivision that abuts a ROW;
- (b) Facilitate sufficient access from ROWs, including the use of building setbacks for swept paths for vehicles, or ceding of land;
- (c) Support a greater diversity of dwelling typology in the Town through alternative pedestrian and vehicle access arrangements;
- (d) Promote high quality urban design by diverting vehicles off street frontages via rear access arrangements;
- (e) Utilise the ROW assets in the Town to create a unique sense of place; and
- (f) Form the statutory basis for imposing conditions requiring financial contributions to the cost of upgrading the ROW to a suitable standard (i.e., trafficable surface, drainage, lighting etc.).

4. Application

This policy applies to all applications for subdivision and development abutting ROWs that have been identified for retention.

5. Definitions

Right of Way: *means a laneway, private street, or other use of land (not being a public street or road) that provides vehicular access to a development site.*

6. Policy Requirements

6.3 All Development

- (a) All development on lots located on the intersection of the ROW and another street are to be designed to provide for a 1m x 1m corner truncation.
- (b) Any fencing along the common boundaries between private property and the ROW is to be:
 - (i) of uniform construction with either masonry, timber or metal panels;
 - (ii) have a maximum panel height of 1.8m; and
 - (iii) be protected by anti-graffiti coating.
- (c) In approving any application for the development of land abutting the ROW, a condition will be imposed requiring a financial contribution to be made to the upgrading of the full width of the ROW for the full length of the lot and to an urban standard.
- (d) In approving any application for the development of land abutting the ROW, a condition will be imposed requiring satisfactory arrangements to be made to advise prospective purchasers that the standard of presentation of the ROW may be low until such time as the ultimate upgrade takes place.
- (e) In approving any application for the development of land abutting the ROW, a condition will be imposed requiring the submission of a Waste Management Plan, to the satisfaction of the Town, which stipulates the manner by which all waste (regular waste, recycling, FOGO and bulk collections) are to be collected from the site.
- (f) All development will provide a common letterbox facility at the Primary Street, with the street numbering to be based on that Primary Street.
- (g) All rear dwelling(s) are to be provided with a minimum 1.5 metre wide pedestrian access leg to the Primary Street for postal services, visitor access, rubbish collection and utilities. The pedestrian access leg may be reduced to 1 metre wide where an existing dwelling on the front lot is to be retained. Where the pedestrian access leg is gated, visually permeable gates must be used.

6.4 Grouped Dwellings

- (a) The car parking for the rear grouped dwelling(s) or sites on the corner of the ROW and the primary street are to be accessed solely from the ROW. In this regard, all garages and carports are to be setback to ensure a minimum of 6.0 metres from the edge of the garage or outside edge of the carport to the rear of the ROW is achieved to enable sufficient reversing distances.

- (b) The rear grouped dwelling(s) are to have direct pedestrian access to both the ROW and the primary street. The pedestrian access to the ROW must not be in the form of a garage door.
- (c) The rear grouped dwelling(s) (excluding the associated garage or carport) are to be setback a minimum of 2.5m from the ROW.
- (d) The rear grouped dwelling are to provide for at least one major opening being orientated towards the ROW so as to provide passive surveillance.

6.5 Multiple Dwellings and Mixed Use Development

- (a) All car parking for the residential component of multiple dwellings and mixed use development is to be accessed solely from the laneway.
- (b) All multiple dwellings and mixed use developments are to provide at least two major openings which provide passive surveillance of the ROW / car parking area.

6.6 Subdivision

- (a) The Town will not support any subdivision on land abutting the ROW unless it is in accordance with a valid development approval that complies with the requirements of this Policy.
- (b) Where an application for subdivision approval proposes the creation of vacant lots, the Town will recommend any approval is subject to a condition requiring satisfactory arrangements to be made to inform prospective purchasers of the development requirements prescribed by this Policy.

Document Control

Directorate	Community Planning
Business Unit	Development and Place
Inception Date	[Insert OCM RESOLUTION NO & DATE]
Version	
Next Review Date	[Insert date – maximum 2 years generally is considered good practice]