

Mayor Pollock, DM Johnson, Cr Maurice, Cr Carey and Cr Baird declared a proximity interest in Item 12.1.1 and remained present during the discussion.

**12.1.1 LOCAL PLANNING POLICY (LPP) FOR CONSENT TO ADVERTISE – LPP04 –  
LANEWAY VISION AND DEVELOPMENT STANDARDS AND SUBDIVISION  
REQUIREMENTS FOR LOTS ADJOINING LANEWAYS**

<b>File No:</b>	PP03
<b>Responsible Executive/ Manager:</b>	GABRIELA POEZYN EXECUTIVE MANAGER PLANNING AND REGULATORY SERVICES
<b>Author:</b>	LUKE PICKERSGILL STRATEGIC PLANNING OFFICER
<b>Author Disclosure of Interest:</b>	NIL
<b>Attachments under separate cover:</b>	1. EXISTING POLICY 2. DRAFT REVISED POLICY WITH TRACKED CHANGES 3. DRAFT REVISED POLICY CLEAN COPY

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### **EXECUTIVE SUMMARY**

At its Ordinary Council Meeting on 27 March 2018, Council resolved to advertise amendments to the existing Local Planning Policy No. 4.

The community strongly opposed both the existing Policy (**Attachment 1**) and the Revised Policy under consideration at that time (2018 Revision), primarily in relation to widening of lanes. Accordingly, the 2018 revision was abandoned and the Town undertook an extensive and in-depth review of each individual lane and created a new Draft Revised Policy (**Attachments 2 and 3**), which is the subject of this report.

While developing the Policy currently under consideration (referred to as the “Draft Revised Policy” in this report), the Town conducted preliminary consultation to gauge the community’s feedback on the Draft Revised Policy and found that overwhelmingly, the new Draft Revised Policy provisions are supported.

Under the Draft Revised Policy, laneways have been reviewed and categorised into five (5) streams. These streams determine how the Town will deal with the laneways moving forward. The major outcome of this review is that the vast majority of laneways will no longer be subject to any widening requirements.

The Draft Revised Policy is presented to Council for approval in principle to enable formal public consultation. Once the consultation process has concluded and the feedback has been reviewed, a final version of this Policy will be presented for Council adoption.

In accordance with Clause 4 of Schedule 2 of the Planning and Development (*Local Planning Schemes*) Regulations 2015, and the Town's Consultation Policy, the Draft Revised Policy is to be advertised for 21 days. It is proposed that the Draft Revised Policy will be advertised in the newspaper and online.

It is recommended that Council approves this Policy in principle for advertising purposes.

### **BACKGROUND**

The current LPP04 – Subdivision and Development of Lots Adjoining Underwidth Roads (**Attachment 1**), has been a feature of the Town's Local Planning framework in various iterations since before 2001. The Policy has always applied the same provisions across the Town regardless of the zoning or density code of the adjoining land.

The Town has 72 roads which are referred to as laneways, as they are considered to be underwidth roads as their road reserve width is less than 10m. Many of these used to be rights-of-way but are now gazetted roads.

These laneways mostly vary in width between 3.0m-5.0m. The minimum width to accommodate two-way traffic is 5.0m, although State Government Policy recommends a minimum width of 6.0m, and provides an avenue for the widening of laneways to a maximum of 6m as part of the subdivision process.

On this basis, the existing Policy LPP04 provides:

- A framework for the Town to secure land for laneway widening by requiring developers to cede parcels of land of specified widths to the Town, free of charge, at the time of subdivision (Refer to **Attachment 1** – Clause 5.1.1).
- Requires that developers pay for the surfacing of the ceded portions of land to match the remainder of the laneway and install lighting for the affected part of the laneway if necessary; and
- Stipulates specific setback distances from laneways in the case of development (Refer to **Attachment 1** – Clause 5.3.1) which replace the provisions of the R-Codes, which treats laneways in the same manner as any other gazetted road.

The need to revise the existing Policy is as a result of the introduction of LPS3 which up-codes portions of the Town and provides new opportunities for infill. The up-coding

is the product of the Local Planning Strategy, which is the guiding document for LPS3, and identifies numerous areas throughout the Town as being suitable for infill due to their proximity to public transport, shopping precincts and availability of laneways.

The 2018 revision of the existing Policy sought to maintain the lane widening requirement in areas that had been up-coded or identified in the Local Planning Strategy for future up-coding, and remove the lane widening requirement from those areas that had not been up-coded.

The Town advertised the 2018 revision and received over 120 written submissions, the vast majority opposing the widening of lanes. A community information session was also well attended where an explanation of the Policy was provided in the form of a question and answer session.

From the community response, it was clear that the majority of landowners:

- Were not aware of the lane widening requirement that the current Policy provides for;
- Could not see the reason for it; and
- Were not in favour of it.

Taking on board this response, the Policy review started again, resulting in the Draft Revised Policy currently proposed.

### **DETAIL**

The Draft Revised Policy (Refer **Attachment 3**) refines the existing Policy in the areas listed below. For detail of the changes refer to **Attachment 2** which shows the tracked changes.

The Draft Revised Policy:

1. Provides a long-term vision for laneways and classifies laneways into five (5) categories, introducing new and revised provisions for subdivision and development to each laneway category;
2. Proposes a reduction in the number of lanes requiring widening and changes to widening requirements for corner lots;
3. Changes the method of contribution required from a developer to undertake the necessary work to incorporate the laneway widening into the existing laneway; and,
4. Introduces changes to the layout and wording of the Policy.

## 1. Laneway Vision and Classification of Laneways

Through gaining an understanding:

- Of the potential extra traffic demands on the lanes; and
- If lanes can operate as one-way systems;

it was possible to create a vision of the laneways in the Town.

This vision was informed by assessing the following criteria:

- Existing laneway width;
- Proposed infill development along the lane (as it informs future traffic volumes) and potential subdivision configuration;
- Ability for the lane to become one-way; and
- Existing subdivision pattern along the laneway.

As a result of this vision, a key feature of the Policy is that it categorises the laneways into five (5) categories:

- a) Primary laneways – those laneways that have the main entrance of the house facing them and provide vehicle access. These laneways are like a ‘mini street’;
- b) Secondary laneways – those laneways which provide vehicle access only to houses. The front of the house faces onto another street;
- c) Town Centre Laneways – those laneways that are located within the Town Centre Area (the area bounded by Stirling Highway, Shire of Peppermint Grove boundary, Monument Street and Laing Lane);
- d) Surplus laneways are those laneways which are no longer necessary to the Town and these could be closed and sold to adjoining property owners once existing accesses are no longer needed;
- e) Uncategorised laneways – those laneways which do not fit into the above four (4) categories as their future is undecided.

### Primary and Secondary Laneways (Refer Appendix 1 of **Attachment 2 and 3**):

In relation to Primary and Secondary Laneways, the Draft Revised Policy also provides the following three (3) development controls:

- i. Lot configuration requirements;
- ii. Revised setbacks;
- iii. New garage width limitations and revised fence requirements.

i. Lot configuration

In this context, the Policy has identified two (2) types of preferred lot configuration, depending on the lot width, being:

- Front-and-back – with a front-and-back configuration, one lot will face the primary street and one lot will face the laneway, and over time, a new streetscape environment will be developed in what was once a laneway. This form of subdivision will adjoin onto Primary Lanes.
- Side-by-side – with a side-by-side configuration, both lots have the front door at the primary street and the garages in the laneway at the rear. This form of subdivision will adjoin onto Secondary Lanes.

The importance of this control mechanism is to ensure that subdivision occurs in a consistent manner along the streetscape.

Currently, where a front-and-back subdivision is proposed, a pedestrian access strip is required to provide access to the original street. The current Draft Policy proposes to waive this requirement in instances where waste collection is possible from the lane. Only those lots abutting 6 cul-de-sac lanes listed below will still need to provide a pedestrian strip:

- Cain Mews
- McQuat Mews
- Ellershaw Mews
- Boucher Mews
- Copley Mews
- O'Halloran Lane (western portion only)

ii. Revised setbacks

Unlike the existing Policy which imposes blanket provisions regardless of the lot type and density coding, the current Draft Policy proposes to impose setback requirements in line with whether the laneway is to become a Primary Laneway or a Secondary Laneway.

For laneways earmarked to become Primary Laneways, the adjoining lots are required to develop with front-and-back subdivisions and the setbacks proposed are based on the principle to achieve active streetscapes with reduced dominance of garages. These provisions replace the Deemed-to-Comply provisions of the R-Codes.

In contrast, on Secondary Laneways, the ultimate lot configuration is side-by-side with only garages at the rear and therefore reduced setbacks for garages in the laneway is acceptable. The setback requirement is the default in the R-Codes.

iii. Garage width controls and revised fence requirements

To ensure that active, attractive and safe streetscapes are created, in addition to the setback provisions referred to above, new garage width limitation and revised fence requirements are proposed.

Regardless of whether the laneway will ultimately be the primary or secondary street to the lots resulting from the subdivision, the width of the garage is to be controlled to prevent dominance of garages on the streetscape. As a result of the recommended lot configuration for subdivision, it will be possible to accommodate double garages for the majority of properties.

While the Draft Revised Policy provides that fences are optional, if proposed, they will be required to be visually permeable where they abut the primary street. The proposed provisions also provide flexibility for applicants to consider alternative solutions that provide for perceived and actual surveillance of the laneway, where full height solid fences are desired. These provisions replace the Deemed-to-Comply provisions of the R-Codes.

Town Centre Laneways (Refer Appendix 2 of **Attachment 2 and 3**):

The relevant development control provisions will be contained within the Local Development Plan that will be developed for the Town Centre Area. In the interim, the Primary Laneway requirements will apply.

Surplus Laneways (Refer Appendix 1 of **Attachment 2 and 3**):

The relevant provisions that apply to Secondary Laneways will apply, except that development will be discouraged from using the lane for vehicle access.

Uncategorised Laneways (Refer Appendix 3 of **Attachment 2 and 3**):

There are significant constraints that need to be resolved before a vision for the laneway can be finalised. In the interim, the Primary Laneway requirements will apply. The constraints are summarised as follows:

- Moynihan Mews, O'Dowling Mews, Whittaker Mews – cul-de-sac lane with insufficient width to support two-way traffic and no opportunity for widening.
- Kuser Mews and Stantron Mews – cul-de-sac lane with insufficient width to support two-way traffic. Resolving the level difference between the two lanes could enable these to be converted into a continuous one-way lane system.
- Hollamby Lane – lack of turning space effectively means the lane is a cul-de-sac with insufficient width to support two-way traffic and no opportunity for widening.

The Policy will need to be revised again once the vision for the lanes has been resolved. Community consultation with affected neighbours will be required first.

## 2. Laneway widening

The existing Policy requires that all lanes are widened at the time of subdivision to achieve 6m road reserves.

The Draft Revised Policy reduces the number of laneways to be widened to 18 lanes (out of 72) of which 11 are located in the Town Centre Area (TCA).

Of the laneways not located in the TCA, although most of them will have a doubling of traffic due to infill subdivision, they will still be wide enough to be within design capacity for a one-way road system and accordingly can be converted to one-way as traffic system if traffic volumes dictate. The only exception is where lanes are cul-de-sacs and widening is still required to support two-way traffic.

In the TCA, it is expected that the proposed density increase will be far greater than in the other parts of the Town and as a consequence, the 11 lanes are not expected to be able to cope with the traffic increase at their current width and will need to be widened.

The existing Policy limits laneway widening to the rear boundary of lots only. This means that where the laneway adjoins the side boundary of one or more lots, it would not be possible to secure the necessary laneway widening along the side boundary and as a result the laneway along the side boundary would never reach the required width.

Having identified this shortcoming, the Draft Revised Policy has been amended to secure land for laneway widening if required, on all boundaries that abut a laneway, but does so in an equitable manner.

To achieve this objective, it is proposed that any lot that is required to cede land on subdivision, the requirement will be capped at a total loss to the subdivided lot of 40m<sup>2</sup>. To achieve this objective, the Draft Revised Policy proposed that the land required for widening is adjusted in increments of 500mm until the required land take for the lot is less than 40m<sup>2</sup>. The result of this method of calculation is that the laneway at those parts will be 5.5m or 5.0m, and whilst that is less than the desired 6m width, it is still adequate to support two-way traffic flow.

The only properties affected by this rule are corner lots adjoining these laneways:

- Cain Mews
- Nagle Lane

- McQuat Mews
- Ellershaw Mews
- Copley Mews
- O'Halloran Lane (western portion only)

### 3. Contribution to improvements of laneways

Another significant change to the substance of the Draft Revised Policy compared to the existing Policy is the manner in which developers are required to contribute to the laneway improvement i.e. the provision of lighting, drainage, and laneway construction.

The existing Policy requires the developer to make a payment to the Town towards the total upgrade of the laneway to enable the Town to complete the full laneway when most of the land has been ceded, or any other later date.

However, experience has shown, that it is more cost effective for the developer to undertake the works of upgrading the laneway in a piecemeal fashion rather than waiting for the Town to do the work at an unspecified later date. With this in mind, the Town already is permitting developers to complete the widening works subject to the payment of a defect liability bond which the Town retains for 12 months. The Draft Revised Policy adopts this current practice to impose the requirement to complete the improvements to the laneway upon finalisation of the subdivision process.

### 4. Other changes

#### a) Policy structure

For easy reference and legibility, the structure of the Draft Revised Policy has been amended with the subdivision provisions preceding the development provisions. The development provisions vary those provisions contained in the R-Codes.

#### b) Changes in terminology

The name of the Policy is proposed to be changed to refer to "laneways" instead of "underwidth roads" to avoid duplication and confusion. There are also additional minor changes to reflect the current Legislation in the Planning Framework, and to the "Application" and "Definitions" sections of the Draft Revised Policy to improve interpretation of the Policy.



**STRATEGIC PLAN ALIGNMENT**

The recommendation of this report is consistent with “Enhancing our Town” key strategic objectives of the Town’s Strategic Community Plan 2013-2023.

**LEGAL/ POLICY IMPLICATIONS**

- *Planning and Development Act 2005* (the Act);
- *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations);
- Town of Mosman Park Local Planning Scheme No. 3 (LPS3);
- State Planning Policy 3.1 – Residential Design Codes (R-Codes);
- WAPC Development Control Policy 1.7 – General Road Planning;
- Local Planning Policy No. 1 – Consultation Procedures; and,
- Local Planning Policy No. 4 – Subdivision and Development of Lots Adjoining Underwidth Roads.

**FINANCIAL IMPLICATIONS**

The financial implications are only in regards to the laneways listed in Appendix 3 which are uncategorised lanes and require further investigation to resolve their issues. There may be costs associated with closing lanes which potentially could be recouped through sale proceeds.

**COMMUNITY ENGAGEMENT**

Formal consultation with the community occurred following release for Public Consultation of the 2018 revision of the existing Policy. This included a community information session.

Between February and May 2019, the Town consulted informally with property owners near each lane. Each property owner received a letter detailing the existing planning framework and the proposed vision for their lane. In some instances, owners were asked to choose from a few options. This was not formal consultation for the purposes of the Regulations, but the feedback has been used to make the necessary changes to arrive at this Draft Revised Policy.

The Draft Revised Policy is required to be formally advertised for a minimum of 21 days and it is proposed to advertise this draft in a newspaper circulated throughout the Town and on the Town’s website.

Letters will not be sent to property owners as this has already occurred on three (3) occasions. Those property owners that have previously submitted comments on the laneway review will receive an email.

### **COMMENT**

Given the changes in zoning and density coding throughout the Town, the existing Policy is no longer appropriate as it is a broad brushed approach to laneway widening and development controls on land abutting laneways.

The Draft Revised Policy provides a more fine grained approach to achieve desirable streetscapes and well-designed urban infill and has been heavily informed by two (2) rounds of community consultation.

By creating a vision for the laneways of the Town:

- It is possible to determine those laneways that will become new streets;
- Distinguish the new streets from those laneways that will serve vehicles only i.e. secondary streets;
- Identify other laneways that will remain of low priority;
- Rationalises the manner in which laneways will be managed in the Town;
- Provide a basis for clear guidelines for future subdivision and development of lots adjoining laneways throughout the Town; and
- Streamline improvements to the laneways by providing flexibility for applicants.

To progress the Policy to finalisation, it is recommended that Council approves the Draft Revised Policy in principle for the purposes of Public Consultation.

### **VOTING REQUIREMENTS**

Simple Majority

### **AGENDA FORUM QUERIES**

1. The policy has been updated to include the additional legislation that this report refers to in the policy, where relevant, as requested in the deputation from the Mosman Park Residents and Ratepayers Association.

**COUNCIL RESOLUTION****OCM-078-2019****Moved:** COUNCILLOR P SHAW**Seconded:** COUNCILLOR J LEDGERWOOD

That Council approves the Draft Revised “LPP04 - Laneway Vision and Development Standards and Subdivision Requirements for Lots Adjoining Laneways” as shown in **Attachment 3**, in principle, to allow Public Consultation.

**CARRIED 5/2**

DM Johnson and Cr Ledgerwood voted against the motion