

11.1.2 LOCAL PLANNING POLICY (LPP) FOR CONSENT TO ADVERTISE – LPP04 SUBDIVISION AND DEVELOPMENT OF LOTS ADJOINING LANEWAYS

File No:	PP03
Responsible Executive/ Manager:	GABRIELA POEZYN EXECUTIVE MANAGER PLANNING AND REGULATORY SERVICES
Author:	LUKE PICKERSGILL STRATEGIC PLANNING OFFICER
Author Disclosure of Interest:	NIL <u>UNDER SEPARATE COVER</u>
Attachments:	<ol style="list-style-type: none">1. EXISTING POLICY2. DRAFT POLICY WITH TRACKED CHANGES3. DRAFT POLICY CLEAN COPY4. SCHEDULE OF MODIFICATIONS

EXECUTIVE SUMMARY

At its Ordinary Council Meeting on 22 August 2017, Council resolved to approve minor amendments to Local Planning Policy No. 4 (Refer to **Attachment 1**) so that it would be effective upon gazettal of Local Planning Scheme No. 3 (LPS3).

Given the rezoning that has occurred as a result of LPS3 which will provide more opportunity for urban infill, a more refined approach to LPP04 is now considered to be necessary.

Laneways have been reviewed and categorised into two (2) streams which influences how the Town will treat them moving forward. The major outcome of this is that some laneways will no longer be subject to widening requirements.

The proposed revised Policy is presented to Council for approval in principle to enable 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 proposed Policy is to be advertised for 21 days and 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, 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 71 roads which are considered to be underwidth roads, and referred to as laneways, 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, 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 5.3.1). The Policy also provides 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.

LPP04 also stipulates specific setback distances from laneways in the case of development (Refer to **Attachment 1** – Clause 5.1.1) which replace the provisions of the R-Codes, which treats laneways in the same manner as any other gazetted road.

With the introduction of LPS3, a large portion of the Town has been upcoded, which provides new opportunities for infill. The upcoding is the product of the Local Planning Strategy, which is the guiding document for LPS 3, which identified many areas as being suitable for infill due to their proximity to public transport, shopping precincts and availability of laneways.

There are large portions of the Town that have not been rezoned or upcoded as part of LPS3 and will retain their lower density character. These areas were not identified for infill for a variety of reasons and are therefore unlikely to be subdivided. As a result, it is unlikely that the Town will ever be able to secure enough land along the laneways located in these areas for adequate lane widening, or have a need, from a traffic volume and movement perspective, to widen the laneway.

DETAIL

The proposed 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 and **Attachment 4** which is a summary of modifications.

The policy:

- 1) proposes to classify laneways into two (2) categories, and introduces new and revised provisions for subdivision and development to each laneway category;
- 2) changes the method of contribution required from a developer to undertake the necessary work to incorporate the laneway widening into the existing laneway; and,
- 3) introduces minor changes to layout and wording.

1. Classification of Laneways

A key feature of the Policy is that it categorises the laneways into two (2) categories.

Category A laneways are those laneways which are necessary to support movement through the Town. The majority of these laneways are located within Development Investigation Areas under the Local Planning Strategy, and are suitable to support infill. This category of laneways is considered to be of high priority for widening and streetscape activation.

Category B laneways are located outside of Development Investigation Areas under the Local Planning Strategy, and their abutting lots have not been upcoded. Accordingly, minimal infill is expected. These laneways are not considered to be essential for vehicle movement in the area.

As a consequence, laneway widening will not be required. Accordingly, the revised Policy is proposing to remove widening requirements upon subdivision, and reduce the setback requirements for redevelopment for lots abutting these laneways except in regard to garages, to ensure vehicle sight lines are provided. To ensure a measure of surveillance of the lane way, the Policy proposes some fence height controls.

Category B laneways have the potential to be closed fully or in part over time.

In relation to Category A laneways, the proposed revised Policy also provides the following four (4) features:

- a) lot configuration requirements;
- b) revised setbacks;
- c) revised laneway widening provisions; and,
- d) new garage width limitations and revised fence requirements.

a) Lot configuration

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

- a) 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; and,
- b) 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.

The importance of this control mechanism is to ensure that the development of a laneway is consistent so that houses face houses and garages face garages rather than a mix of garages and houses facing each other.

Currently, where a front-and-back subdivision is proposed, a pedestrian access strip is required to provide access to the original street. The new Policy proposes to waive this requirement where the distance from the subdivided lot to a street other than its primary street is less than 80m, provided there is no negative impact on service provision.

b) Revised setbacks

Unlike the current Policy which imposes blanket provisions regardless of the lot type and density coding, the revised Policy proposes to impose setback requirements in line with the lot configurations.

By requiring setbacks that are designed to achieve an active streetscape with reduced dominance of garages, laneways adjoining narrower lots that are required to develop with front-

and-back subdivisions, will be able to transform into a primary street for the new homes in existing rear gardens.

In contrast, on laneways where the lot configuration is side by side, the laneway will develop as a secondary street and therefore reduced setbacks for garages are acceptable.

c) Revised laneway widening provisions

The current 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 and as a result the laneway would never reach the required width.

Having identified this shortcoming, the revised Policy has been amended to secure land for road widening over all boundaries that abut the laneway, but in an equitable manner.

To achieve this objective, it is proposed that all properties abutting Category A will need to cede land on subdivision on all boundaries abutting a laneway, but that the requirement will be capped at a total loss to the subdivided lot of 40m². To achieve this objective, the 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 40m². 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.

d) 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 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 provide alternative solutions that provide for perceived and actual surveillance of the laneway, where full height solid fences are desired.

2. Contribution to improvements of laneways

Another significant change to the substance of the Policy is the revision of the manner in which developers are required to contribute to the laneway improvement.

The existing Policy requires the developer to make a payment 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.

Experience has shown that it is more cost effective for the developer to undertake the works of upgrading the laneway at the time of development than for the Town to do the work at an unspecified later date. With this in mind, the Town intends to permit the developer to complete the widening works subject to the payment of a bond which the Town retains for a 12 month period to ensure that there are no defects in the work that has been done.

The revised Policy is proposing that the existing practice is adopted as the norm to complete the improvements to the laneway once the land has been ceded.

3. Other Minor changes

a) Policy structure

For easy reference and legibility, the structure of the proposed revised Draft 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, and additional minor changes are proposed to the Legislation, Planning Framework, Application and Definitions sections of the 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

Nil.

COMMUNITY ENGAGEMENT

The Draft Local Planning Policy is required to be advertised in a newspaper circulated throughout the Town and on the Town's website for a minimum of 21 days. This process will inform changes to the final Policy.

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 proposed Policy provides a more fine grained approach to achieve desirable streetscapes and well-designed urban infill.

By creating a distinction between laneways that the Town wishes to progress with and others that will remain of low priority, the Policy rationalises the manner in which laneways will be managed in the Town, and it provides a basis for clear guidelines for future subdivision and development of lots adjoining laneways throughout the Town.

The modification of the contribution process will streamline improvements to the laneways by providing flexibility for applicants.

To progress the Policy to finalisation, it is recommended that Council approves this Policy in principle for the purposes of public consultation.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION**OCM-036-2018****Moved:** COUNCILLOR J LEDGERWOOD**Seconded:** COUNCILLOR PAUL SHAW

That Council approves the draft LPP04 Subdivision and Development of Lots Adjoining Laneways (**Attachment 3**) in principle to allow public consultation.

CARRIED 4/0