

# COUNCIL POLICY LV108

## RIGHT OF WAYS/LANEWAYS

KEY FOCUS AREA **Liveability**



### Purpose

The purpose of this policy is to provide guidance to the management of Right of Ways (**ROWs**) in the Town of Claremont regardless of ownership.

### Policy

The Town of Claremont believes that ROWs provide an important amenity to the neighbourhood. In order to preserve the existing streetscape they are considered to be secondary streets in the Local Planning Scheme which mandates vehicle access from a secondary street upon development.

The majority of ROWs within the Town are remnant landholding following subdivision, are privately owned.

### ROW Planning

Management of ROWs within the Town is guided by Planning Bulletin 33.

Subdivisions on land abutting ROWs require the ceding of land or easements over the land to provide 5m width for safe vehicle access to rear parking. Where a property abuts 2 ROWs then the easement is on the shortest length and corner truncation if required.

New developments require 6m setback from opposite side of ROW to edge of parking area New developments require sealing of ROW abutting the property to Council specifications.

### ROW Ownership

The majority of ROWs within the Town are remnant landholding following subdivision, are privately owned and presumed part of a deceased estate due to the age of the subdivision. To convert the ownership to Crown Land or to the Town of Claremont is a lengthy procedure and a costly exercise due to the value of the land within the Town.

The Town will pursue cost effective options to convert private ROWs to the ownership of the Town or to Crown Land

### ROW Closure

There is a presumption that a ROW should remain open unless:

- Due to its width or configuration it is not accessible to vehicular traffic.
- Due to the lack of use or maintenance it is a fire and vermin risk
- A survey of contiguous owners and occupiers has shown that all those owners wish to utilise or acquire the land abutting their property
- A portion of a ROW can be closed providing this does not prevent vehicular access to any property utilising the ROW Council receives a request for closure by all owners of property abutting the ROW or portion thereof. This will require all owners to agree to meet the cost of closure and the cost to purchase the land from the Crown in accordance Section 52 of the *Land Administration Act 1997*.

## ROW Maintenance

Within the *Local Government Act* the Town is permitted to utilise funds on private land for drainage improvement. Within this scope the Town will lay profiling on unsealed ROWs and install soak wells and kerbing where there is risk of stormwater erosion or ingress to property. Sealing a ROW with asphalt will occur when requested by more than 75% of the neighbouring landowners who also agree to a specific area rate to pay for 75% of the cost of construction. Sealed ROWs, constructed to Council standards, will be maintained by the Town

## Provision of Services on ROWs

The provision of services such as rubbish collection can only be provided to properties via under width public streets and private roads. A declaration of under width streets requires ceding of land within 4.5 meters of the centre line of the ROW. This is not appropriate for the Right of Ways within the Town due to their existing width.

Document Control Box			
Legislation:			
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