



## **LANEWAY REVIEW – NORTHAM TOWNSITE**

### **Shire of Northam**

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## **1.0 INTRODUCTION**

There are over 3.5 kilometres of laneways located throughout the Northam Town site.

The great majority of the laneways are classified as 'Private Streets' and as such are not within the direct ownership, management and control of the Shire of Northam. Despite their 'private' ownership status, laneways are commonly perceived by the population to be public areas and look to the Shire to address any related issues including management and safety.

The Shire of Northam Laneway Review has been prepared in an effort to determine the future of the laneways in the locality of Northam. This document is intended to provide the context to the preparation and adoption of a Local Planning Policy to be adopted in accordance with Part 2 of the Town Planning Scheme No. 5.

This review identifies the most appropriate course of action for each laneway based on an assessment of its existing characteristics and potential future prospects, whilst taking into account a range of factors including existing social concerns, development potential and surrounding land uses.

This review has been formulated with regard to the Shire's planning principles focussed on the achievement of sustainability, community, equity, economic and diversity in the development of the Shire. The aims and objectives that help to guide the focus of this review are detailed below.

### **1.1 Aims and Objectives**

The objectives of the review are:

- To provide a co-ordinated strategy to guide Council's future decision-making in relation to requests for laneway closures
- To ensure that laneways remain appropriate and relevant to the surrounding land uses
- To ensure laneways essential for maintaining a permeable street network are retained
- To close laneways that offer limited benefits to the wider community
- To provide recommendations on prioritising laneways for retention and closure
- To identify and provide recommendations to improve anti-social behaviour and address negative impacts on surrounding residents
- To contribute to the preservation of existing streetscapes
- To minimise the negative impacts of infill developments by using laneways for access to infill dwellings
- To rationalise the land tenure of all laneways



## 1.2 Context and Background

### 1.2.1 Study Area

The Northam Town Site is located approximately 96km east of Perth CBD in the Avon region and covers an area of approximately 2,400 hectares (refer **Figure 1: Northam Town Centre Study Area**). This review forms the basis for the management and future development of all laneways throughout the locality of Northam.

### 1.2.2 Definitions

#### 1.2.2.1 Laneways, Rights-of-Way and Private Roads

For the purpose of this document a 'laneway' has the same meaning as the term 'right-of-way' or 'private road'. The Land Administration Act 1997 (LAA 1997) defines 'private road' as:

*“an alley, court, lane, road, street, thoroughfare or yard on alienated land, or a right of way created under section 167A(1) of the Transfer of Land Act 1893, which -*

*(a) is not dedicated, whether under a written law or at common law, to use as such by the public; and*

*(b) is shown on a plan or diagram deposited or in an instrument lodged with the Registrar, and which -*

*(c) forms a common access to land, or premises, separately occupied;*

*(d) once formed or was part of a common access to land, or premises, separately occupied, but no longer does so;*

*(e) is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or*

*(f) once was, but is no longer, accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public.”*

A private road is freehold land over which persons have a right of entry and access to adjoining properties. This right of access may or may not be subject to terms and conditions.

#### 1.2.2.2 Crown Rights of Way

Crown Right of Ways (“ROWs”) were created by the Minister for Lands under the Land Act 1933 or earlier legislation. ROWs are not subject to private access rights in favour of adjoining landowners under section 167A of the Transfer of Land Act 1893 (TLA). Under the LAA, ROWs have the same meaning as ‘roads’, which are defined as:

*“... being land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both”.*

ROWs remain Crown land and are actually accessway reserves. When considering the legislative powers relating to these rights of ways, it is arguable that they fall within the definition of “roads” as these rights of

way are not held in fee simple. Alternatively, they can be considered reserves and dealt with under Part 4 of the LAA.

### **1.2.3 History of the Laneway**

The majority of the laneways in the Shire of Northam were created as part of the original greenfields subdivision in the early 1900s. A common physical feature of many subdivisions which occurred at that time was the inclusion of a laneway at the rear of properties for access by night fill carts. These laneways were typically left as unmade tracks and, with the advent of septic waste disposal systems, became largely redundant for waste disposal purposes.

Consequently, many laneways have been left in poor condition through lack of use and maintenance. Many are overgrown with vegetation and often become targets of illegal rubbish dumping. This has led to many problems affecting residents living adjacent to these laneways, in particular:

- Security fears associated with low levels of surveillance in laneways;
- Fire risks from overgrown vegetation;
- Vandalism;
- Pests and rodents;
- Reduced amenity and blight on the neighbourhood;
- Inappropriate use of laneways for storage of materials and private equipment, such as trailers and dumps; and
- Disagreements between neighbours over the management of laneways, e.g., where they have been fenced or otherwise obstructed without authority.

With increased urbanisation, vehicle usage and intensification of land use, interest in the use of laneways as an alternative form of access to properties have regained popularity in recent times. However, as the laneways were originally intended as access for night disposal carts, they were not designed with modern traffic in mind and as a result, a number of difficulties have arisen associated with their current use, including:

- Poor visibility and manoeuvring space for entering and exiting from private properties;
- Frequent minor collisions resulting in damage to vehicles and properties (especially fences);
- Inadequate space to pass oncoming and/or parked vehicles;
- Excessive dust, noise and vibration, affecting the amenity of adjoining residents;
- Reduced safety for pedestrians sharing the laneways; and
- Vehicles becoming bogged in loose sand or water-filled holes.

Even though most of the laneways in the Shire are held in private ownership and are not under its care and management, the Shire still receives a large number of complaints about the various problems associated with laneways and there is mounting community pressure for the Shire to address them. However, there are competing interests. Although many citizens would prefer not to have laneways in their neighbourhood, many others use the laneways for access to their homes or wish to preserve them for future alternative access and vehemently oppose any move to close them.

### **1.2.4 Future of the Laneway**

Despite the current problems associated with laneways, it is recognised that many laneways have the potential to offer strategic benefits to the wider community in terms of traffic management and town planning outcomes, if managed appropriately. For instance, traffic management and safety on busy roads can be improved by the use of laneways for rear access, reducing the need for numerous crossovers and slow points on the major roads. Also, laneways in areas with infill development potential offer a valuable alternative form of access to the rear dwelling as opposed to the creation of a conventional “battle-axe” leg for access.

As stated in the Shire of Northam Policy Manual (2010) the Shire strongly opposes use of the “battle-axe” form of new and/or broad acre development. Proposed battleaxe subdivision of lots will generally not be supported by the Shire on the following grounds:

1. Creation of this type of subdivision results in not being able to provide for two-way access and egress to residents;
2. Creation of long battleaxe legs in areas with particular physical or topographical constraints is inappropriate; and / or
3. Battleaxe lots are problematic in areas that are prone to bush fire areas.

In instances where the WAPC approves battleaxe subdivisions contrary to the Shire’s recommendation, the Shire will, as a minimum, require a 6 metre wide sealed and drained access leg, with a truncation at the front property boundary to allow for access sightlines.

The Shire’s strong opposition toward any battleaxe form of development has seen it move to a position of encouraging all future infill development to utilise the towns existing laneways (where possible).

As such, this review seeks to promote the creation of new streetscape environments through the use of existing laneways by encouraging their widening and/or upgrading to encourage future infill residential development to take access from, and to front and address these existing laneways where appropriate. This will achieve a more desirable design outcome for infill residential development in the mid to long term future by providing access for this form of development and, to discourage battleaxe subdivision and development, which typically has no aspect to a street or laneway.

The requirement for infill development to front and gain access to a laneway will contribute to the enhancement of laneways, and will result in an improved urban living environment by providing the following benefits:

- Existing character dwellings may be retained where a 3.0 metre to 4.0 metre wide vehicular access leg is not required down the side of a property.
- An additional amount of useable open space or developable area on a property would be available.
- The provision of a 1.5 metre wide pedestrian access leg (which width may be varied to 1.0 metre), instead of a vehicular access leg would reduce the impact on any adjacent dwelling, and reduce the impact on the streetscape. This pedestrian access leg could also contain the necessary connections

and extension to required services for where the laneway is not a public road (i.e. is not serviced by reticulated water, sewer).

- The increase in the number of dwellings fronting laneways would result in the creation of new streetscape environments.
- A dwelling fronting a laneway may have an aspect to a streetscape environment, rather than aspect to the rear of an existing dwelling, which is a more traditional pattern of development.
- The use of the laneway limits the number of crossovers onto a property from the primary street, which does not reduce the availability of on-street car parking, does not impact on street trees and vegetation, and maintains a safer pedestrian environment and better visual amenity for the streetscape.
- The increased use of the laneway by both vehicles and pedestrians improves the security of laneways.
- The redevelopment of laneways into new streetscapes would contribute to the character and amenity of a locality.

## 2.0 PLANNING CONTEXT

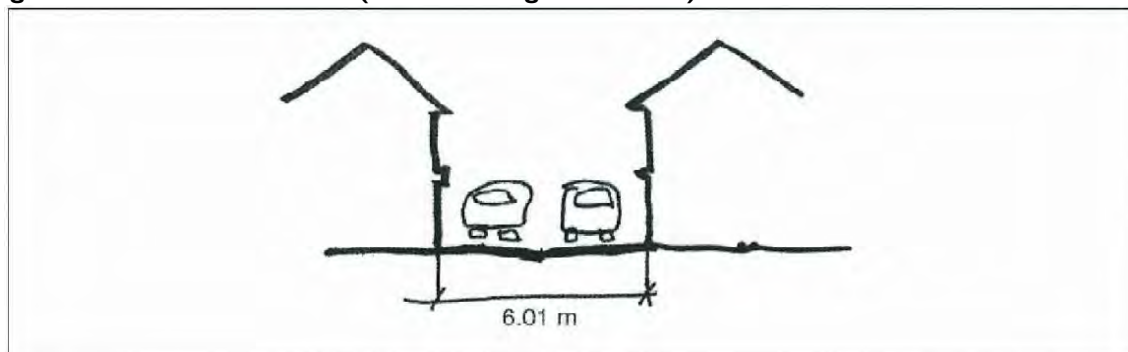
The following state planning policies and documents are relevant to this review and the issue of laneways from a town planning perspective:

### 2.1 Liveable Neighbourhoods

Liveable Neighbourhoods has been adopted by the Western Australian Planning Commission as operational policy, and is to be followed in the design and approval of urban development. Liveable Neighbourhoods applies to structure planning and subdivision for greenfield sites and for the redevelopment of large brownfield and urban infill areas.

Liveable Neighbourhoods encourages the use of laneways when smaller lot layouts justify access to garages at the rear, and where alternative vehicle access is needed. The design, layout and detailing of laneways and the strategic siting of buildings to overlook these laneways is an important consideration and is critical for community safety. An acceptable cross section is included in Liveable Neighbourhoods and is illustrated below:

**Figure 2: Cross Section (Liveable Neighbourhoods)**



Two-way. Normally no parking. Normally central-invert drainage. Wide enough to allow vehicle access into garages located on the property boundary. Studio units above garages. In some circumstances, studios may have balconies projecting over the lane, provided that they are a minimum of 2.7 m above the pavement. Pavement may be narrowed to 3 m or 5 m at laneway entries. This improves sightlines to footpaths.

The requirements for Laneways are outlined in *Element 2 Movement Network of Liveable Neighbourhoods* and are summarised below:

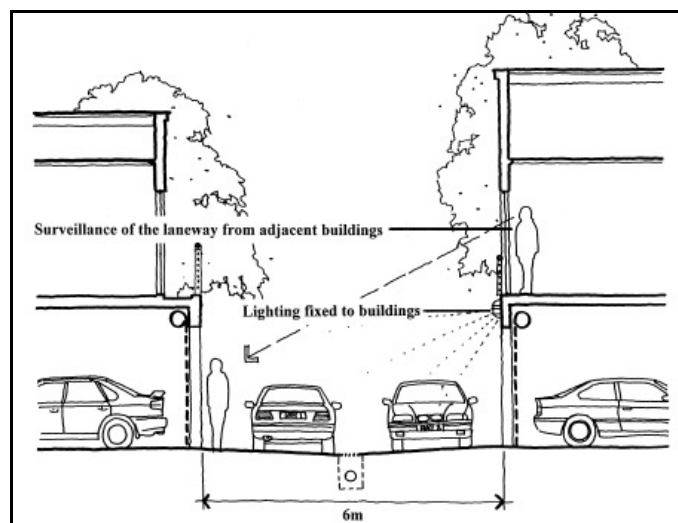
- Laneways should be used primarily as follows:
  - To provide rear parking access for small lots;
  - Where lot widths are narrow;
  - For medium density housing;
  - For retail and/or commercial areas;
  - To provide rear access to lots on busy streets;
  - For development fronting open space in some circumstances;
  - To provide opportunities to improve amenity on selected streets.
- Laneway design and layout should:

- Provide good passive surveillance into, along and through lanes. (Straight lanes and T-lanes are preferred, while H-lanes, dog-leg lanes or tightly curved lanes should be avoided;
- Not be longer than 140m with a mid-lane link;
- Incorporate independently-occupiable studio units or second storey windows at entries and at strategic locations to provide surveillance, activity and interest along the lane;
- Be detailed as rear lane spaces, so as not to be confused with streets;
- Be detailed to enable easy and safe access into and out of garages, but without using tilt-panel or other doors that open into the lane;
- Not create a more direct through-route alternative for vehicles, cycles or pedestrians than the adjoining street network;
- Be designed to ensure rear yards of properties can be fenced for security (visually permeable fencing recommended to ensure passive surveillance);
- Ensure that any boundary treatment or tree planting does not create concealed recesses or provide illegal access opportunities into rear yards;
- Minimise the use of rear lanes for metered services and other facilities requiring recesses;
- Provide public lighting, and adequate sightlines for both pedestrians and cars at junctions without excessive truncations on adjoining properties; and
- Provide for utility services in accordance with Liveable Neighbourhoods Element 6.

The use of laneways as an alternative source of access for infill development, local commercial centre development, and off-street parking in heritage areas is seen to comply with the principles and objectives of the Liveable Neighbourhoods policy.

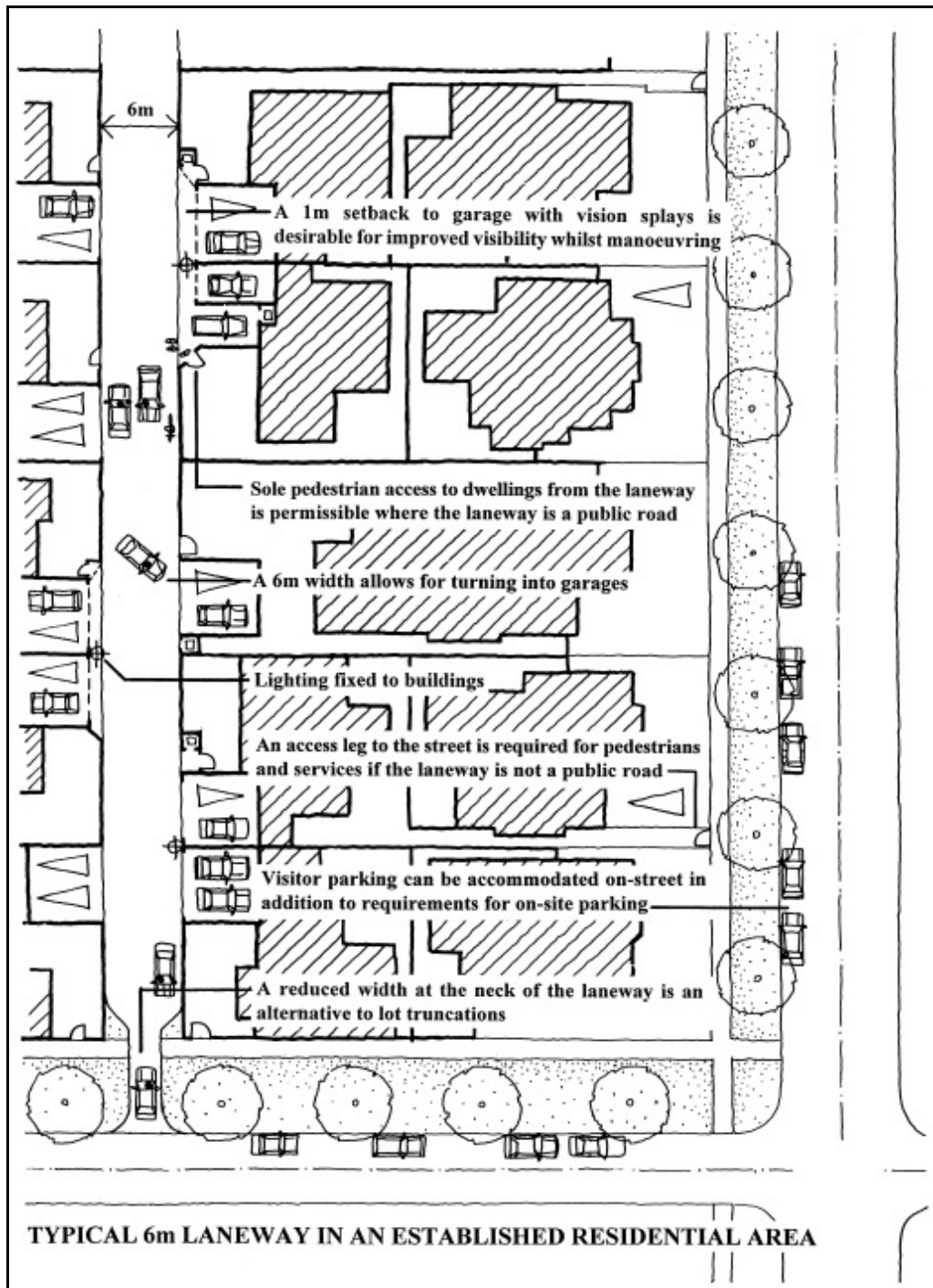
## 2.2 Western Australian Planning Commission Planning Bulletin No.33

Planning Bulletin No. 33 “Rights of Way or laneways in Established Areas – Guidelines” outlines the Commission’s policy, practice and procedures in relation to residential and commercial development and subdivision adjoining laneways. The figure below outlines the typical cross-section of a 6m laneway:



**Figure 3: Cross Section (Planning Bulletin No. 33)**

The Planning Bulletin also outlines general design and layout considerations, as summarised below:



**Figure 4: Design and Layout Considerations for Laneways in Residential Areas**

The Planning Bulletin outlines a number of considerations for the implementation of improvements to laneways (rights-of-way). These matters should be taken into consideration by the Shire of Northam in the potential acquisition, upgrade and widening of laneways as recommended by this review.

Generally, this review is consistent with the objectives and standards proposed in the Commission's Bulletin.



## 2.3 State Planning Policy 3.1 Residential Design Codes of Western Australia

In October 2002, the Western Australian Planning Commission released the Residential Design Codes of Western Australia for implementation across the State. This document has since been revised and replaced by State Planning Policy 3.1 Residential Design Codes (Var. 1) gazetted on 29 April 2008 (the R-Codes) and amended on 22 November 2010 to include specific provisions for the development of multiple dwellings in areas coded R30 and above.

The R-Codes set the standards for residential development for single houses, grouped dwellings and multiple dwellings. The R-Codes do not directly address any issues associated with laneway's, however they do suggest that the smaller scale of laneways as streets should entail reduced setback requirements compared to a standard width road.

## 2.4 Shire of Northam Local Planning Policy

The Shire of Northam Local Planning Policy manual includes reference to upgrade and widening of right-of-ways. LPP 1.17 Development and Subdivision Guidelines states:

*“Upon receiving subdivision approval, the applicant is required to pay a development contribution to the Shire for the provision and enhancement of roads, pathways and drainage. If the existing laneway and / or right-of-way is required to be sealed, the applicant is required to make contribution to the sealing of this dedicated road to the satisfaction of the Shire. This would allow for a constructed primary access and streetscape to the subdivided lot. A minimum width of a trafficable surface is to be 6 metres wide. Therefore should the width of the dedicated laneway or right-of-way be less than 6 metres, the applicant would be required to cede land at no cost to allow for the minimum width of a trafficable surface. On a case by case scenario the opposing side of the laneway or right-a-way may need to proportionally cede land at no cost to allow for widening of the laneway or right-a-way. It is recommended that should there be no impact upon residential occupied buildings adjacent to the laneway or right-a-way that the width of the laneway or right-a-way be 10 metres with a 6 metre wide trafficable surface. The ability to have a 10 metre wide dedicated reserve will allow for the subdivided rear lots to be identified and serviced. For every proposal to undertake rear-lot subdivision onto an existing laneway or right-a-way should be accompanied with a streetscape and traffic impact study to demonstrate the impact that rear lot subdivision may have on the existing local road network.”*

A revision to this Local Planning Policy may be required as a result of the findings of this review and the state planning context, particularly given the inconsistency associated with the recommended width of a right-of-way / laneway.



### **3.0 LEGAL CONTEXT**

There are a number of Acts relevant to this review, including:

- *Transfer of Land Act 1893*
- *Local Government Act 1995*
- *Land Administration Act 1997.*

The State legislations that currently have provisions relating to laneways or private streets are generally limited to the creation of easement rights, closure of laneways and conversion to public streets. There is a general absence of practical guidance for the day-to-day management and maintenance of private laneways. The statutory limitations have contributed to the increasing number of complaints (from adjoining owners) received by the Shire relating to the use and conditions of private laneways.

#### **3.1 Transfer of Land Act 1893**

Section 167A(1) of the transfer of Land Act 1893 (as amended), provides that every laneway marked on a plan of survey registered with the Registrar of Titles is deemed to be an easement appurtenant to the land shown abutting the laneway on that plan, and is not a public road or thoroughfare. Provisions of the Transfer of Land Act 1893 also provide for closure of laneways where the registered proprietor of the laneway makes an application to the Commissioner of Titles to do so and the application is accompanied by a formal written surrender of easement/implied rights from the proprietors of all the lots shown abutting the laneways on the original plan of subdivision and/or the proprietors of any land which have implied rights over the laneway. Given that the majority of laneways adjoin many lots with multiple owners, this method of closing a laneway is rarely achievable in practice.

#### **3.2 Local Government Act 1995**

The Local Government Act 1995 provides minimal direct authority for local government intervention in relation to private laneways. Section 3.25 of the Act provides authority for a local government to issue a notice to an owner or occupier of land to remove or make safe any obstruction in a private thoroughfare to prevent or minimise dangers to other users.

#### **3.3 Land Administration Act 1997**

The Land Administration Act 1997 defines private roads as including laneways created pursuant to Section 167A of the Transfer of Land Act 1893 which have not been dedicated for use by the public and forms or formed a common access to land or premises that are separately occupied. This Act contains provisions to facilitate the closure and extinguishment of private roads and the dedication of private roads as public streets.

Section 52 of the Land Administration Act provides that a local government may request the Minister for Lands to convert (thereby extinguishing the easement rights) the land contained in laneways to Crown Land, subject to consultation with the relevant interest holders. Upon conversion of a laneway to Crown Land, the State Land Services branch of the Department for Regional Development and Lands may reserve the land as a Crown reserve or arrange for the disposal of the Crown Land to the respective adjoining property owners. As a matter of practice, State Land Services would not pursue the closure of a laneway under Section 52 of the Act unless the necessary agreements are in place to dispose of the resultant land to the adjoining land owners.

The costs associated with the closure, including purchase of the resultant Crown Land, boundary survey, production of duplicate title, and fencing relocation, are also the responsibility of the adjoining owners.

Section 56 of the Act contains provisions to enable the dedication of certain land (including laneways) as public roads. The Act provides that a local government may request the Minister for Lands to dedicate a laneway as a public road where: either the registered proprietor of a laneway or more than 50% of the abutting rateable owners request the local government to do so; or where a laneway has been in uninterrupted use by the public for more than 10 years.

The provisions of the Land Administration Act 1997 provide the necessary legal mechanisms for the implementation of this strategy in terms of: (i) closing, where feasible, laneways that are considered to have minimal strategic benefit; (ii) dedicating laneways to become public roads for control and management by Council; and (iii) acquiring laneways as Crown reserve for management by Council as a laneway/right-of-way.

## 4.0 LANEWAY REVIEW

The information and photographs presented within this review provide a comprehensive overview and analysis of the Shire of Northam's laneways. The Shire of Northam Town site Laneway Review was achieved by conducting a thorough desktop search and analysis and combining this with accurate data and photographs compiled by the Shire's Planning Department on a number of site visits.

The majority of the laneways located in the Shire of Northam are currently held in fee simple ownership. The laneways were created at the time of the original broad-acre subdivisions in the early 1900s. In the majority of the cases, the laneways remained as residual parcels on the original land title following the excision and transfer of the subdivided lots. Due to the easement rights in favour of the abutting lots and the consequential encumbrance over laneways and their ownership, in most instances, the registered proprietors of the laneways took little interest in passing ownership of the laneways to successive owners upon their death or demise. Over time, the majority of the ownerships of laneways have become 'abandoned' and the whereabouts of the owners is difficult to locate.

A total of 26 laneways are the subject of this Laneway Review (refer **Figure 5: Shire of Northam Laneway Review Area and Appendix I: Detailed Laneway Review Schedule**). An assessment of each laneway has been conducted and focussed on a number of key issues relevant to determining each laneways most appropriate future potential. The issues addressed include (but are not limited to):

- the general condition of the laneway;
- access arrangements;
- surrounding land uses;
- ownership;
- size; and
- social issues/concerns.

Based on an analysis of these key issues, recommendations have been made for each laneway in accordance with the following:

Recommendation	Colour Code
Acquisition by Shire of Northam, Conversion to Public Road and Upgrade	
Close and Amalgamate	
Retention of Laneway	

It is important to note that while a number of the laneways are in fact identified as a single land parcel on the relevant Certificate of Title, where a laneway has been separated into a number of different segments by public roads, each 'section' of laneway has in some cases been assessed and classified on a separate basis.



# SHIRE OF NORTHAM LANEWAY REVIEW AREA

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 ABN 45 108 680 977  
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 Subiaco WA 6008  
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Shire of Northam : CLIENT  
 1:10,000@A3 : SCALE  
 19 August 2011 : DATE  
 3795-5-004.dgn : PLAN No  
 B : REVISION  
 L.R. : PLANNER  
 R.F. : DRAWN  
 R.S. : CHECKED

Laneway Reference Number  
 (Refer Laneway Review Report)

Extent of Laneway


Base data supplied by Landgate.  
 Aerial Photography dated 2010.  
 Accuracy +/- 4m. Projection MGA Zone 50.

Areas and dimensions shown are subject to final survey calculations.  
 All carriageways are shown for illustrative purposes  
 only and are subject to detailed engineering design.



## 4.1 Laneway #1 – Lot 124 Enfield Terrace, Northam

### 4.1.1 Summary

Owner / Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Claude Revel Kemble (Private)	Volume / Folio: 76-18 Plan: P4801	Residential (R15/R30)	5.03m	164.15m	825m <sup>2</sup>	Partially sealed No drainage Sewerage Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Conversion to Public Road with Possible One Way Traffic Flow and Upgrade						

### 4.1.2 Comment

Laneway No. 1 is in poor condition and opportunity constrained by its private ownership and close proximity to the flood fringe. It is located in close proximity to the Town Centre, which can be accessed via the pedestrian bridge. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.1.3 Public Consultation**

There were four submissions received regarding this laneway, three expressing that they do not wish for the laneway to be widened and one expressing their interest in further developing their property. A design showing the potential for one-way traffic flow public road was referred to these submitters with a further request to comment on recommendation. There were no further submissions received.

#### **4.1.4 Recommendation**

Opportunities for infill redevelopment exist on both sides of the laneway. It should be recognised however that the properties adjoining this laneway are influenced by the flood fringe of Avon River and should redevelopment be permitted, appropriate design standards for flood mitigation will need to be implemented. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.


Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 14 dwellings.

## 4.2 Laneway #2 – Lot 123 Enfield Terrace, Northam

### 4.2.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Claude Revel Kemble (Private)	Volume / Folio: 76-18 Plan: P4801	Residential (R15/R30)	5.03m	98.6m	496m <sup>2</sup>	Gravel road base No drainage / services Sewer Main
<b>Photograph:</b> 						
<b>Recommendation:</b> Retain as is, No acquisition, upgrade or subdivision to take place						

### 4.2.2 Comment

Laneway No. 2 is in poor condition and opportunity constrained by its private ownership and close proximity to the flood fringe. It is located in close proximity to the Town Centre, which can be accessed via the pedestrian bridge. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement.

#### **4.2.3 Public Consultation**

There were three submissions received regarding this laneway, two expressing that they wish to obtain their portion of the laneway and one expressing their non interest in further widening of the laneway. A design showing the retention of the laneway and change to 'retain as is' recommendation was referred to these submitters with a further request to comment on recommendation. There were no further submissions received.

#### **4.2.4 Recommendation**

Opportunities for infill redevelopment exist primarily on the southern side of the laneway. It is recommended Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that in light of the public submissions that this laneway is retained by private ownership, no upgrading works by Shire take place and subdivisions of properties adjoining laneways will not be supported. that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.


Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.



### 4.3 Laneway #3 – Lot 50 Hawes Street, Northam

#### 4.3.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Dioceses Trustees Church England (Private)	Volume / Folio: 286-78 Plan: P2591	Residential (R15/R30)	5.03m	123.4mm	621m <sup>2</sup>	Gravel road base No drainage / services Sewer Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Upgrade with no widening until point of subdivision						

#### 4.3.2 Comment

Laneway No. 3 is in poor condition and opportunity constrained by its private ownership. It is located in close proximity to the Town Centre. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.3.3 Public Consultation**

There were four submissions received regarding this laneway, one expressing concerns over impact to existing carports/garages, one supporting the Shire obtaining the lane yet not for the widening of the laneway, one responding to recommendation for encouragement of laneway extension northwards and one supporting the acquisition and further widening of the laneway. A design showing the potential for a public road was referred to these submitters with a further request to comment on recommendation. There were no further submissions received.

#### **4.3.4 Recommendation**

Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.


The extension of this laneway in a northerly direction should also be encouraged to increase permeability. This would require the dedication of an area when and if property owners choose to subdivide.

Servicing will considerations need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 8 dwellings.

#### 4.4 Laneway #4 – Lot 66 Hawes Street, Northam

##### 4.4.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Commissioner of the Presbyterian Church of WA (Private)	Volume / Folio: 264-9 Diagram:D1693	Residential (R15/R30)	5.3m	77.9m	413m <sup>2</sup>	Gravel road base No drainage Sewerage Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Upgrade with no widening of Laneway until point of subdivision						

##### 4.4.2 Comment

Laneway No. 4 is in reasonable condition and constrained by its private ownership. It is located in close proximity to the Town Centre. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.4.3 Public Consultation**

There were four submissions received regarding this laneway, two having no objections just concerns over process of widening (i.e. costs and replacement of fencing), one expressing comments on ownership of laneway being Commissioner of the Presbyterian Church of WA and one notifying that laneway is only access point to rear garage on property. A design showing the potential for a public road was referred to these submitters with a further request to comment on recommendation. There were three further submissions received, and all were supporting the acquisition and upgrade (no widening take place until subdivision), with one querying the ownership of the lane. Further clarification had been sought from Landgate on the ownership of the lane and it was confirmed that the Commissioner of the Presbyterian Church of Western Australia still owns the property and would not be that hard for the Shire of Northam to obtain ownership.

#### **4.4.4 Recommendation**

Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.


Servicing will considerations need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 6 dwellings.



## 4.5 Laneway #5 – Lot 66 Grey Street, Northam

### 4.5.1 Summary

Owner Tenure /	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Dempster, Throssell and Wilkinson (Private)	Volume / Folio: 127-101 Diagram:D1171	Residential (R15/R30)	5.4m	89.6m	484m <sup>2</sup>	Poor road base No drainage / services Sewer Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Upgrade with no widening of Laneway until point of subdivision						

### 4.5.2 Comment

Laneway No. 5 is in reasonable condition and constrained by its private ownership. It is located in close proximity to the Town Centre. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

### **4.5.3 Public Consultation**

There were three submissions received regarding this laneway, one supporting the consultant's recommendations, one having no objections just concerns over process of widening (i.e. costs and replacement of fencing) and one notifying that laneway is not near the property, it is adjacent and doesn't influence their property. A design showing the potential for a public road was referred to these submitters with a further request to comment on recommendation. There was one further submissions received supporting the laneway acquisition, upgrade and general concerns expressed with the proximity of existing structures.

### **4.5.4 Recommendation**

Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.


An opportunity exists to connect this laneway with Laneway No. 4. This would require the ceding of land when properties along Duke Street and Chidlow Street are subdivided. This would require the dedication of an area when and if property owners choose to subdivide.

Servicing will considerations need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 7 dwellings.

## 4.6 Laneway #6 – Lot 66 Cnr Minson Avenue & Peel Terrace, Northam

### 4.6.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Meeres and Throssell (Private)	Diagram:D4976	Town Centre	5.03m	60.35m	304m <sup>2</sup>	Poor road base No drainage Sewer Main
Photograph:						
<b>Recommendation:</b> Close and Amalgamate a portion with Minson Avenue Road Reserve and Remaining Portion with Adjoining Properties						

### 4.6.2 Comment

Laneway No. 6 is not a typical residential laneway. Unusually, it runs parallel with Minson Avenue and directly adjoins the road reserve. It is currently being used as an informal car parking area associated with adjoining businesses. This area should form part of a broader land rationalisation study to be undertaken by the Shire of Northam.

### 4.6.3 Public Consultation

One submission in support of closure and amalgamation of land with adjoining properties.

### 4.6.4 Recommendation

It is recommended that the Shire include this parcel of land in the land rationalisation study. Opportunities may exist for the Shire to include a portion with the Minson Avenue road reserve and offer a portion to adjoining landowners for purchase and amalgamation into adjoining lot areas.

## 4.7 Laneway #7 – Lot 67 Gregory Street, Northam

### 4.7.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Meeres and Throssell (Private)	Volume / Folio: 2664-691 Plan: P3302	Residential (R15/R30)	5.03m	427.1m (total)	2149m <sup>2</sup> (total)	Gravel road base No drainage / services Sewer Main
<b>Photographs:</b> 						
<b>Recommendation:</b> Section 1: Acquisition by Shire of Northam, One way traffic flow with no widening of Laneway until point of subdivision Section 2: Acquire and upgrade, no widening of Laneway until point of subdivision Section 3: Acquire and upgrade Laneway for better drainage provisions						



#### **4.7.2 Comment**

Laneway No. 7 is made up of three separate land parcels, being:

1. A 'T' shaped laneway servicing lots bound by May Street, Gregory Street, Fermoy Avenue and Burgoyne Street;
2. A 'L' shaped laneway servicing Lots 44, 46 & 49 Fermoy Avenue and Lots 50 and 51 Gregory Street; and
3. A 66 metre portion of laneway servicing Lots 38-40 Burgoyne Street and Lots 43, 205 and 41 Fermoy Avenue.

Laneway No. 7 is in poor condition and opportunity constrained by its private ownership. It is located in close proximity to the Town Centre and Primary School. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre and nearby Primary School.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.7.3 Public Consultation**

There were seven submissions received regarding this laneway, four supporting comments received and three having no objections just concerns over process of widening (i.e. costs and replacement of fencing). A design showing the potential over the three separate sections of laneway seven were referred to these submitters with a further request to comment on recommendation. There were four further submissions received supporting the acquisition, upgrade and one-way traffic flow for the 'T' section. There was a concern regarding the exit of large vehicles/trailer in one particular property.

#### **4.7.4 Recommendation**

Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.


Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 28 dwellings.

## 4.8 Laneway #8 – Lot 66 Thackrah Avenue, Northam

### 4.8.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Madrigal (Private)	Volume / Folio: 1666-858 Plan: P4761	Residential (R15)	5.03m	172.3m	867m <sup>2</sup>	Gravel road base Limited drainage / services Sewer Main
Photograph:						
<b>Recommendation:</b> Acquisition, Upgrade and/or Widen by Shire of Northam Retention of Laneway						

### 4.8.2 Comment

Laneway No. 8 is in poor condition and opportunity constrained by its private ownership. It is located in close proximity to the Town Centre and Primary School. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, given their strategic location in context of the Town Centre and nearby Primary School.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement.

#### **4.8.3 Public Consultation**

There were ten submissions received regarding this laneway, three supporting comments received and seven having objections to acquisition and widening of this laneway.

#### **4.8.4 Recommendation**


Opportunities for infill redevelopment exist on both sides of the laneway. It is recommended that in light of the public submissions that this laneway is retained by private ownership, no upgrading works by Shire take place and subdivisions of properties adjoining laneways will not be supported. the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

## 4.9 Laneway #9 – Lot 98 Grey Street, Northam

### 4.9.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Madrigal (Private)	Volume / Folio: 1666-858 Plan: P4761	Residential (R15)	5.03m	172.3m	867m <sup>2</sup>	Gravel road base No drainage / services Sewer Main
Photograph:						
<b>Recommendation:</b> Upgrade and/or Widen Maintain Upgraded Laneway						

### 4.9.2 Comment

Laneway No. 9 is currently vested with the Shire of Northam. It provides access to existing properties fronting Wellington Street and Grey Street. The laneway was in poor condition, however is currently trafficable has been upgraded, sealed, drained and includes speed humps.

### 4.9.3 Public Consultation


There was one submissions received regarding the through access that this laneway provides.

### 4.9.4 Recommendation

It is recommended that the Shire of Northam retain and maintain upgrade this laneway. through the provision of sealed road base, kerbing and drainage and that adjoining properties contribute to the upgrading of the laneway.

## 4.10 Laneway #10 – Lot 50 Albert Street, Northam

### 4.10.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Mouritzer (Private)	Volume / Folio: 2727-875 Plan: P1664	Residential (R15)	1.91m	51.4m(N) 89.5m(S)	98m <sup>2</sup> (N) 171m <sup>2</sup> (S)	Gravel road base No drainage Sewer Main
Photograph:						
<b>Recommendation:</b> Close and Amalgamate with adjoining properties to south-eastern side of Laneway						

### 4.10.2 Comment

Laneway No. 10 is in private ownership and is currently being utilised by the adjoining residents.

### 4.10.3 Public Consultation

There were five submissions received supporting the closure of laneway.


### 4.10.4 Recommendation

Given the existing use of the laneway and that it is very narrow the recommended course of action is to close and sell the laneway to the neighbouring properties. The Shire of Northam will have to initiate the closure process as per section 52 of the *Land Administration Act 1997* and take all responsible steps to give notice to the holder of the laneway and the holders of freehold land abutting the laneway. It should be noted that owner of land comprising 'private roads' which are close in this way are not entitled to compensation. Sewer Main will require easement over new titles.



## 4.11 Laneway #11 – Lot 28308 Newcastle Road, Northam

### 4.11.1 Summary

Owner Tenure	/	CT Details	Adjoining Zoning	Dimensions			Condition
				W	L	A	
Shire Northam (Crown)	of	Volume / Folio: Avon Location 28308 Reserve: 28575	Residential (R15)	5.03m	90.4m	455m <sup>2</sup>	Gravel road base Reasonable condition Sewer Main crosses laneway
Photograph:							
<b>Recommendation:</b> Upgrade and/or Widen Close and Amalgamate							

### 4.11.2 Comment

Social issues relating to anti-social behaviour and safety are key issues affecting Laneway No. 11. The land is currently reserved for drainage and provides a broader drainage function. It is currently closed to vehicles and can only be accessed by pedestrians.

### 4.11.3 Public Consultation


There was one submission relating anti-social behaviour experience and requests to purchase section of laneway and have easement over this land for drainage purposes.

### 4.11.4 Recommendation

It is recommended that the Shire of Northam close and amalgamate this laneway with adjoining properties. upgrade this land parcel, which is effectively a pedestrian access way, to mitigate the social issues currently being experienced. This could be achieved through appropriate lighting and encouraging new development to overlook (i.e. passive surveillance) the area.

## 4.12 Laneway #12 – Lot 28307 Perina Way, Northam

### 4.12.1 Summary

Owner Tenure	/	CT Details	Adjoining Zoning	Dimensions			Condition
				W	L	A	
Shire Northam (Crown)	of	Volume / Folio: Avon Location 28307 Reserve: 28575	Residential (R15)	5.03m	64.4m	324m <sup>2</sup>	Gravel road base Reasonable condition Sewer Main crosses laneway
Photograph:							
<b>Recommendation:</b> Upgrade and/or Widen Close and Amalgamate							

### 4.12.2 Comment

Social issues relating to anti-social behaviour and safety are key issues affecting Laneway No. 12. The land is currently reserved for drainage and provides a broader drainage function. It is currently closed to vehicles and can only be accessed by pedestrians.

### 4.12.3 Public Consultation


No comments received.

### 4.12.4 Recommendation

It is recommended that the Shire of Northam close and amalgamate this laneway with adjoining properties. upgrade this land parcel, which is effectively a pedestrian access way, to mitigate the social issues currently being experienced. This could be achieved through appropriate lighting and encouraging new development to overlook (i.e. passive surveillance) the area.

### 4.13 Laneway #13 – Lot 66 Inkpen Street, Northam

#### 4.13.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
State Housing Commission (public)	Volume / Folio: 2061-200 Plan: P6715	Residential (R15)	5.03m	90.4m	455m <sup>2</sup>	Sealed / Drained Sewer Main crosses Laneway
<b>Photograph:</b> 						
<b>Recommendation:</b> Close and Amalgamate						

#### 4.13.2 Comment

Laneway No. 13 is currently blocked at the Queen St and Inkpen St entrances. The orientation of the laneway does not present wider redevelopment opportunities, and effectively acts as a pedestrian access way. The laneway has been blocked to address anti-social behaviour.

#### 4.13.3 Public Consultation

There was one submission relating anti-social behaviour experiences in past when laneway was open.


#### 4.13.4 Recommendation

Given the existing use of the laneway and that it has been physically closed at the request of adjoining neighbours the recommended course of action is to close and sell the laneway to the neighbouring properties. The Shire of Northam will have to initiate the closure process as per section 52 of the *Land Administration Act 1997* and take all responsible steps to give notice to the holder of the laneway and the holders of freehold land abutting the laneway. It should be noted that the owner of land comprising 'private roads' which are closed in this way are not entitled to compensation.



## 4.14 Laneway #14 – Lot 66 Hutt Street, Northam

### 4.14.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
State Housing Commission (public)	Volume / Folio: 2061-200 Plan: P6715	Residential (R15)	5.03m	90.4m	455m <sup>2</sup>	Sealed / Drained Sewer Main crosses Laneway
Photograph:						
<b>Recommendation:</b> Close and Amalgamate						

### 4.14.2 Comment

Laneway No. 14 is currently blocked at the Queen St and Hutt St entrances. The orientation of the laneway does not present wider redevelopment opportunities, and effectively acts as a pedestrian access way. The laneway has been blocked to address anti-social behaviour.

### 4.14.3 Public Consultation


There was one submission relating to anti-social behaviour experience and requests to purchase section of laneway.

### 4.14.4 Recommendation

Given the existing use of the laneway and that it has been physically closed at the requests of adjoining neighbours the recommended course of action is to close and sell the laneway to the neighbouring properties. The Shire of Northam will have to initiate the closure process as per section 52 of the *Land Administration Act 1997* and take all responsible steps to give notice to the holder of the laneway and the holders of freehold land abutting the laneway. It should be noted that the owner of land comprising 'private roads' which are closed in this way are not entitled to compensation.

## 4.15 Laneway #15 – Lot 100 Gerald Terrace (West), Northam

### 4.15.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Gerald Throssell (private)	Volume / Folio: 2654-876 Plan: P54365	Residential (R15)	5.2m (N) 5.1m (S)	58.6m (N) 200m (S)	305m <sup>2</sup> (N) 1020m <sup>2</sup> (S)	Gravel road base No drainage Sewer available Sewer Main crosses laneway
Photograph:						
<b>Recommendation:</b> Section 1: Lance Street to Cody Street: Acquisition by Shire of Northam, Conversion to Public Road with Possible One Way Traffic Flow and Upgrade Section 2: Angus Street to Cody Street: Acquisition by Shire of Northam, Upgrade with no widening of Laneway until point of subdivision Section 3: Angus Street to Throssell St: Acquisition by Shire of Northam, Upgrade with no widening of Laneway until point of subdivision. Installation of bollards at Throssell Street.						

### 4.15.2 Comment

Laneway No. 15 is in poor condition and opportunity constrained by its private ownership. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, should the Shire increase the residential density coding of this Precinct.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods

and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.15.3 Public Consultation**

No comments received from the initial consultation. After the initial consultation a revised design was prepared for the three sections of the laneway fifteen. Eight submissions were received relating to proposed closure of section between Angus Way and Throssell Street and the removal of existing bollards at Angus Way. As a result of this consultation a recommendation is to acquire the laneway and install bollards at the Throssell Street end of laneway fifteen.

#### **4.15.4 Recommendation**

Opportunities for infill redevelopment may exist on both sides of the laneway in the medium to long term. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.


Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 17 dwellings.

## 4.16 Laneway #16 – Lot 100 Gerald Terrace (East), Northam

### 4.16.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Gerald Throssell (private)	Volume / Folio: 2654-876 Plan: P54365	Residential (R15)	5.03m	124.8m (N) 144.7m (S)	628m <sup>2</sup> (N) 728m <sup>2</sup> (S)	Gravel road base  No drainage / services  Sewer Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Conversion to Public Road with Possible One Way Traffic Flow and Upgrade						

### 4.16.2 Comment

Laneway No. 16 is in poor condition and opportunity constrained by its private ownership. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, should the Shire increase the residential density coding of this Precinct.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.16.3 Public Consultation**

There were six submissions received regarding this laneway, five having no objections just concerns over process of widening (i.e. costs and replacement of fencing) and one wishing to undertake unit development which may/may not need to acquire portion of laneway. A design showing the potential for one-way traffic flow public road was referred to these submitters with a further request to comment on recommendation. There were no further submissions received.

#### **4.16.4 Recommendation**

Opportunities for infill redevelopment may exist on both sides of the laneway in the medium to long term. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.


Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 19 dwellings.



## 4.17 Laneway #17 – Lot 66 Hopetoun Avenue, Northam

### 4.17.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Byfield (private)	Volume / Folio: 631-43 Plan: P2410	Residential (R15)	5.03m	181.9m (N) 151.5m (S)	915m <sup>2</sup> (N) 762m <sup>2</sup> (S)	Gravel road base No drainage Limited sewer availability Sewer Main
Photograph:						
<b>Recommendation:</b> Section 1: Entry/Exit at Lawley Avenue: Acquisition by Shire of Northam, Upgrade with no widening until point of subdivision Section 2: Lawley Avenue to Throssell Street: Acquire and upgrade with one way traffic flow, No widening of Laneway until subdivision						

### 4.17.2 Comment

Laneway No. 17 is in poor condition and opportunity constrained by its private ownership. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, should the Shire increase the residential density coding of this Precinct.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate

width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.17.3 Public Consultation**

There were eleven submissions received regarding this laneway, two supporting the consultant's recommendations, eight having no objections just concerns over process of widening (i.e. costs and replacement of fencing) and one objecting to the Laneway Review. A design showing the potential for one-way traffic flow public road was referred to these submitters with a further request to comment on recommendation. There were five submissions received, two in support for the acquisition and upgrading whilst three submitters requested that the lane be retained as is.

#### **4.17.4 Recommendation**

Opportunities for infill redevelopment may exist on both sides of the laneway in the medium to long term. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

The lack of connection does pose accessibility and safety concerns. Appropriate design considerations and subdivision requirements need to be implemented to address these matters upon redevelopment.


Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 24 dwellings.



## 4.18 Laneway #18 – Lot 66 Hopetoun Avenue, Northam

### 4.18.1 Summary

Owner Tenure /	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Byfield (private)	Volume / Folio: 631-43 Plan: P2410	Residential (R15)	5.03m	181.5m (N) 93.6m (S)	913m <sup>2</sup> (N) 471m <sup>2</sup> (S)	Gravel road base No drainage Limited sewer availability Sewer Main
Photograph:						
<b>Recommendation:</b> <b>Section 1:</b> Acquisition by Shire of Northam, Upgrade with no widening until point of subdivision <b>Section 2:</b> Acquire and Upgrade with one way traffic flow, No widening until point of subdivision.						

### 4.18.2 Comment

Laneway No. 18 is in poor condition and opportunity constrained by its private ownership. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, should the Shire increase the residential density coding of this Precinct.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate

width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.

#### **4.18.3 Public Consultation**

There were six submissions received regarding this laneway, two supporting the consultant's recommendations, four having no objections just concerns over process of widening (i.e. costs and replacement of fencing). A design showing the potential for public road was referred to these submitters with a further request to comment on recommendation. There were two submissions received in support of the acquisition and upgrading of this laneway.

#### **4.18.4 Recommendation**

Opportunities for infill redevelopment may exist on both sides of the laneway in the medium to long term. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.


The lack of connection does pose accessibility and safety concerns. Appropriate design considerations and subdivision requirements need to be implemented to address these matters upon redevelopment.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 26 dwellings.

## 4.19 Laneway #19 – Lot 28501 Newcastle Road, Northam

### 4.19.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Shire of Northam (crown)	Plan: P10275 Reserve: 33063 (drainage)	Residential (R15)	8.05m	93.4m	752m <sup>2</sup>	Gravel road base Has drainage infrastructure Sewer Main
Photograph:						
<b>Recommendation:</b> Upgrade and/or Widen Close and Amalgamate						

### 4.19.2 Comment

Social issues relating to anti-social behaviour and safety are key issues affecting Laneway No. 19. The land is currently reserved for drainage and provides a broader drainage function. It is currently closed to vehicles and can only be accessed by pedestrians.

### 4.19.3 Public Consultation


There were two submissions relating anti-social behaviour experience and requests to purchase section of laneway and have easement over this land for drainage purposes.

### 4.19.4 Recommendation

It is recommended that the Shire of Northam close and amalgamate this laneway with adjoining properties. upgrade this land parcel, which is effectively a pedestrian access way, to mitigate the social issues currently being experienced. This could be achieved through appropriate lighting and encouraging new development to overlook (i.e. passive surveillance) the area.

## 4.20 Laneway #20 – Lot 500 Newcastle Street and Lot 502 Martin Street, Northam

### 4.20.1 Summary

Owner Tenure	/	CT Details	Adjoining Zoning	Dimensions			Condition
				W	L	A	
Shire Northam (crown)	of	LR3151-151 Plan: P54927 Reserve: 30044 (drainage)	Residential (R15)	5.65m	36.4m (Lot 500) 47.2m (Lot 502)	206m <sup>2</sup> (Lot 500) 267m <sup>2</sup> (Lot 502)	Gravel road base No drainage Sewer Main
Photograph:							
Recommendation:							
Close and Amalgamate							

### 4.20.2 Comment

Social issues relating to anti-social behaviour and safety are key issues affecting Laneway No. 20. The land is currently reserved for drainage and vested with the Shire of Northam. It is currently closed to vehicles and pedestrians.

### 4.20.3 Public Consultation


There was submission of support for closure and amalgamation of laneway with adjoining properties.

### 4.20.4 Recommendation

It is recommended that the drainage function of the land be reviewed. If it is not required for drainage purposes, it is recommended that Laneway No. 20 be closed and offered to the adjoining landowners for purchase at prevailing market conditions. Sewer Main will require easement over new titles.

## 4.21 Laneway #21 – Lots 550 & 29759 Roediger Drive, Northam

### 4.21.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Water Corporation (public)	LR3136-427 LR3136-428 Plan: P40150 Reserve: 38743 (Water Supply)	Residential (R15)	Unknown	Unknown	4351m <sup>2</sup> (total)	Gravel road base No drainage Contains services Water Mains
Photograph:						
<b>Recommendation:</b> Retention of Laneway						

### 4.21.2 Comment

Laneway No. 21 is not a typical laneway as entertained by Liveable Neighbourhoods. It is effectively a service corridor containing a water main and overhead transmission power lines.

Very limited opportunities exist for infill development should this land parcel be upgraded as an accessible and trafficable laneway.


### 4.21.3 Recommendation

It is recommended that the reservation of this land be retained given the presence of critical infrastructure.



## 4.22 Laneway #22 – Lot 66 Rockett Street, Northam

### 4.22.1 Summary

Owner Tenure /	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Throssel (private)	374-26	Residential (R15)	5.03m	201m (N) 201m (S)	1012m <sup>2</sup> (N) 1012m <sup>2</sup> (S)	Gravel road base Limited drainage / servicing Sewer Main
Photograph:						
<b>Recommendation:</b> Acquisition by Shire of Northam, Conversion to Public Road and Upgrade with one way traffic flow						

### 4.22.2 Comment

Laneway No. 22 is in poor condition and opportunity constrained by its private ownership. The properties adjoining the laneway are considered to be suitable for infill residential development in the mid to long term future, should the Shire increase the residential density coding of this Precinct.

An opportunity for development exists involving the creation of two-way vehicle access and an increase in laneway width from 5 to 6 metres. As demonstrated in **Figure 2 and 3**, both Liveable Neighbourhoods and WAPC Bulletin No. 33 illustrate a minimum width of 6 metres for laneways. This provides adequate width for two-way vehicle movement. This widening would only occur once properties were subdivided or constructed grouped dwellings and then ceded this land to form part of the 6 metre laneway.



#### **4.22.3 Public Consultation**

There were seven submissions received regarding this laneway, one supporting the consultant's recommendations and six having no objections just concerns over process of widening (i.e. costs and replacement of fencing). A design showing the potential for one-way traffic flow public road was referred to these submitters with a further request to comment on recommendation. There was one submission received supporting the acquisition, upgrading and one-way traffic flow of this laneway.

#### **4.22.4 Recommendation**

Opportunities for infill redevelopment may exist on both sides of the laneway in the medium to long term. It is recommended that the Shire of Northam acquire this laneway and upgrade to a standard that will facilitate redevelopment opportunities.


Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres, the approval should require that the land required to widen the laneway to 6 metres will be given up free of cost to be dedicated as public use. While this could leave the right-of-way at less than the desired width for much of its length until redevelopment occurred on the other adjacent properties, a long-term view needs to be taken.

Servicing considerations will need to be investigated, such as the availability, capacity and accessibility of essential services such as sewer, water and power. Servicing availability will influence the pattern of in-fill subdivision and the nature of the laneway.

Should long term subdivision and residential development occur upon the laneway it may facilitate approximately an additional 38 dwellings.

## 4.23 Laneway #23 – Lot 375 Roediger Street, Northam

### 4.23.1 Summary

Owner Tenure /	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Water Corporation (public)	Volume / Folio: 2121-399 Plan: P17579	Reserve Drain	4.7m (N) 5.0m (S)	101.8m (N) 35.6m (S)	482m <sup>2</sup> (N) 177m <sup>2</sup> (S)	Gravel road base No drainage Contains services Water Mains
Photograph:						
<b>Recommendation:</b> Retention of Laneway						

### 4.23.2 Comment

Laneway No. 23 is not a typical laneway as entertained by Liveable Neighbourhoods. It is effectively a service corridor containing a water main and overhead transmission power lines and forms part of the reservation of Laneway No. 21. Very limited opportunities exist for infill development should this land parcel be upgraded as an accessible and trafficable laneway.

### 4.23.3 Public Consultation


There were two submissions received one supporting the consultant's recommendations and one expressing concerns over water run-off from Laneway.

### 4.23.4 Recommendation

It is recommended that the reservation of this land be retained given the presence of critical infrastructure.

## 4.24 Laneway #24 – Lot 60 Stirling Street, Northam

### 4.24.1 Summary

Owner Tenure /	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
Joseph Dreyer (private)	Volume / Folio: - Plan: P1780	Residential (R15/R30)	5.2m	83m	409m <sup>2</sup>	Partially sealed No drainage / services
Photograph:						
<b>Recommendation:</b> Close and Amalgamate Retain as is, No acquisition, upgrade or subdivision to take place						

### 4.24.2 Comment

Laneway No. 24 is under private ownership and is located within the flood fringe of the Avon River. Limited redevelopment opportunities exist.

### 4.24.3 Public Consultation


There were two submissions received one supporting the consultant's recommendations and one expressing concerns over acquisition costs of Laneway. A design showing the potential for amalgamation with Lot 52 Broome Terrace was referred to these submitters with a further request to comment on recommendation. The adjoining landowners to the south of the laneway submitted a joint submission that requested the laneway to be retained as is, with the section adjoining Apex Park to be fenced and that the owners were prepared to install a gate at the Stirling Street entrance.

### 4.24.4 Recommendation

Given the location and existing condition of the laneway, the most appropriate course of action is to close and sell the laneway to the neighbouring properties. The Shire of Northam will have to initiate the closure process as per section 52 of the *Land Administration Act 1997* and take all responsible steps to give notice to the holder of the laneway and the holders of freehold land abutting the laneway. It should be noted that owner of land comprising 'private roads' which are close in this way are not entitled to compensation.

## 4.25 Laneway #25 – Lot 55 Throssel Street, Northam

### 4.25.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
State of WA (crown)	Volume / Folio: 1744-319 Plan: P14847	Residential (R15)	3.0m	50.29m	150m <sup>2</sup>	Unsealed No drainage / services
<b>Photograph:</b> 						
<b>Recommendation:</b> Close and Amalgamate						

### 4.25.2 Comment

Review of desktop information reveals that there is no practical purpose associated with this parcel of land. It extends from Throssell Street into a large vacant landholding, with a total length of only 50m.

### 4.25.3 Public Consultation


One submission received one supporting the consultant's recommendations and one expressing interest in reacquiring Laneway as it originally owned by eastern owner.

### 4.25.4 Recommendation

It is recommended that this land parcel be closed and amalgamated with adjoining eastern properties property.

## 4.26 Laneway #26 – Lot 146 Duke Street, Northam

### 4.26.1 Summary

Owner Tenure	CT Details	Adjoining Zoning	Dimensions			Condition
			W	L	A	
James Byfield	Volume / Folio: 381-151 Plan: P14847	Residential (R15/R30)	1.5m	58.50m	87.75m <sup>2</sup>	Unsealed No drainage / services Sewer Main crosses laneway
Photograph:						
<b>Recommendation:</b> Creation of Private Road to serve adjacent properties						

### 4.26.2 Comment

This small parcel of land currently provides for half of the physical vehicle accessway which serves the three residential properties on western side and one residential property on the eastern side, with a total length of only 58.50m.

### 4.26.3 Public Consultation

The initial consultation received one submission raising concerns over protecting rear access to 11 Grey Street as currently has no means of front vehicle access to property. A design showing the potential for public road was referred to neighbours with a further request to comment on recommendation. There was one submission received requesting to have continual access to the rear of property.

### 4.26.4 Recommendation

It is recommended that this land parcel be closed and amalgamated with adjoining properties and an access easement be created to allow access to the three properties fronting Grey Street.



## 5.0 IMPLEMENTATION

### 5.1 Process of Laneway Closure and Amalgamation

As previously addressed, a number of the existing laneways within the Shire of Northam are recommended for closure and amalgamation with adjacent land owners.

Any freehold land that comes within the definition of a “private road” under the LAA may be closed by the Minister for Lands at the request of Local Government. However, closures of laneways vested in the Crown under section 152 of the PDA are dealt with differently.

For the purposes of this Paragraph, reference made to “private roads” will mean freehold land owned by private persons and not owned by the Crown or the State of Western Australia.

A private road may be closed under either section 52 of the LAA by way of an Acquisition Order (LAA Form-I000) made by the Minister following a request made by a local government in accordance with the provisions of section 52.

Registration of an Acquisition Order under section 52 extinguishes all rights, interests and encumbrances affecting the subject land and reverts the land as Crown land. Where a private road is closed by an Acquisition Order under section 52 of the LAA, compensation is not payable to any person with an interest in the land (including the owner of the fee simple interest in the land) nor any person who may have the benefit of an easement over the private road created under section 167A of the TLA.

Before a local government can request the Minister for Lands to close a private road, the local government must comply with the requirements set out in section 52 of the LAA and regulation 6 of the Land Administration Regulations 1998.

The following tasks should be undertaken by the local government before it makes a resolution to close a private road:

- undertake a community consultation,
- consult with WAPC/the Department of Planning,
- discuss the proposed closure with landowners of the private road or take steps to locate the landowners or their executors,
- liaise with adjoining landowners,
- seek public utility service authority providers’ agreement to the closure, and
- pass a resolution to close the road.

Where adjoining landowners are interested in purchasing part of the closed road for amalgamation with their land, Local Government should also arrange, with adjoining landowners, for a survey plan showing the manner of allocation of the closed road with adjoining land. The survey plan must be prepared by a licensed surveyor and must be approved by the WAPC (see section 52(2)(a)(ii) of the LAA).

When the local government has completed the above steps in Paragraph 5.8.1 under the heading of “Information to be provided by a local government in its request to the Department of Regional



Development and Lands (RDL) to close a private road owned by a private person (not being the Crown)", it may write to RDL with all information set out in the checklist requesting the Minister to consent to the closure of the private road and agree to the proposed amalgamation of the land in the private road to adjoining landowners.

Once the local government decides to write to RDL with its request to close the private road, a recent full market valuation must be obtained from the Valuer General.

This review recommends closure and amalgamation in relation to 7 9 laneways.

## **5.2 Upgrading and Maintaining**

The requirement for widening laneways can only be achieved over a longer term basis. Widening laneways is only possible when development/subdivision occurs on a lot by lot basis or alternatively where the Shire actively pursues the acquisition/resumption of land to facilitate the widening of laneways.

In either scenario the opportunity for the Shire to obtain the land required for widening free of cost is doubtful and the process of acquisition/resumption is therefore time consuming and can raise disputes with land owners.

The Shire seeks to maintain the option for widening laneways as the majority of laneways in the Town Centre are not of sufficient width however almost all of the subject laneways are within 1m of the preferred laneway width. As discussed previously, the preferred width of a laneway is 6.0 metres (refer **Figure 2 and 3**) which allows sufficient vehicle manoeuvring area for vehicles to pass. As such, the Shire will require owners that gain access from laneways to cede portion of their land to the Shire when subdividing or strata titling, for the purpose of widening the laneway.

This review recommends widening and upgrading in relation to 16 11 laneways.

## **5.3 Acquisition (Change of Tenure)**

The process for Local Government involving the acquisition of land no longer required is covered under Section 52 of the LAA 1997. Under Section 52, a local government may request the Minister to acquire as Crown land any private road within the district of the local government.

Prior to making a submission local government is required, under subsection (1), to take all reasonable steps to give notice of the request to the owner of the subject land as well all adjoining land owners. All suppliers of public utility services are also required to be notified.

This review recommends acquisition in relation to 12 10 laneways.

## FIGURES

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