



Local Planning Policy 2.5 – Residential Development Fronting Existing Rights-of-Way (Laneways)

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy replaces previous LPP 2.5 – Residential Development Fronting Laneways and Rights-of-Way and may be cited as LPP 2.5 - Residential Development Fronting Existing Rights-of-Way (Laneways).

2.0 Introduction

Much of the early residential development in Collie included a rear laneway or right-of-way for the collection of sanitary waste prior to the introduction of septic tanks and reticulated sewer. These laneways are now mostly used for pedestrian and vehicular access to the rear of properties or as alternative walking and cycling routes.

The Shire's Local Planning Scheme No. 6 up-coded (to R30 and R40) a number of properties close to the Collie town centre and areas of high amenity thereby increasing redevelopment potential. This upcoding means that the Collie town centre can have a higher density of houses within walking distance to key services in town.

The Shire of Collie's Strategic Community Plan (December 2022) outlines the overall strategic direction for the Shire. Through the Strategic Community Plan, the Shire is committed to supporting diverse housing options being developed in order to contribute to a thriving economy, and a built environment that meets the needs of the community.

This Policy aligns with the housing chapter of the Shire's Local Planning Strategy (April 2020) and Local Planning Scheme No. 6 (December 2020), which plans to provide an adequate supply of housing to meet Collie's future needs. Alongside the development of new greenfield sites at Wellington Heights, the Buckingham Way Estate and in the longer term North Collie Structure Plan area, the Local Planning Strategy also recommends increasing the residential density in the Collie central core. This recommendation, shown below, was incorporated into the Local Planning Scheme that came into effect in later 2020:

“R15 is the predominant residential density in the Collie Townsite. However, land surrounding the Town Centre has been zoned R30 given its proximity to the centre and to take advantage of existing laneways at the rear of lots. Some additional lots located along Bunbury Street are currently zoned R15 with two road frontages (Crampton Street) or one road frontage and rear laneway and fronting the Collie River reserve. These are recommended to be rezoned to R30 in Scheme 6 which is also consistent with the adjoining area.”



A mix of medium and low-density housing is required for a balance of choice, diversity and affordability. Having the higher residential density limited to strategic areas such as the town centre, public open space and other facilities and services will assist in achieving this whilst still maintaining the established neighbourhood character/country town feel.

There is significant opportunity for “infill” development, thus supporting a more consolidated and compact town centre with direct access to public amenity areas, such as the district playing fields or the river. However, the extent of infill development will be market driven and dependent upon landowners' pursuing this development opportunity.”

This Policy represents further realisation of the Shire of Collie’s Local Planning Strategy.

Where properties adjoin a laneway to the rear, there presents an opportunity for infill housing development which can be encouraged via residential laneway development. This may include development of new dwellings that front the laneway, and use the laneway as their sole means of access.

Infill development has benefits over greenfield expansion including reduced development costs as a result of utilising existing servicing opportunities, and decreased urban sprawl and associated land clearing, which results in a more sustainable form of development.

There are also many benefits to the development of infill dwellings fronting a laneway such as:

- rental income for homeowners;
- sale of the new lot through subdivision;
- efficient use of land;
- increased housing diversity for various household compositions;
- opportunity for people to age in place;
- improvements to the safety, streetscape and character of existing laneways; and
- allowing infill while maintaining or improving the existing character of neighbourhoods.

Existing laneways in Collie are generally only 5m or less in width. The Western Australian Planning Commission’s Development Control Policy 2.6 Residential Road Planning (section 3.5 Access Lanes and Rear Laneways) specify that the minimum carriageway width for a rear laneway is 6m. This local planning policy has been prepared to establish laneways that are an appropriate width for their intended use, and to be consistent with the State Policy.

Those wishing to subdivide and/or develop a dwelling that fronts a laneway shall cede a portion of their lot to the Crown for the purpose of establishing a wider laneway. A wider laneway will ensure safe, two-way vehicle access plus pedestrian access. This ceding will only be required where a landowner opts to subdivide/develop their property and that development fronts that laneway.

The Council will be responsible for upgrading and maintenance of laneways in order to support and facilitate infill development close to Collie’s town centre. The Council’s responsibility will include the upgrading and maintenance of laneways to a minimum sealed and drained



standard. This will provide a safe environment for pedestrians, a trafficable surface for motorists and adequate storm water drainage. Council will upgrade the laneway once significant subdivision and/or development of dwellings fronting the laneway have been approved, and subject to budget.

The purpose of this Policy is to provide information and guidance for the subdivision or development of lots that adjoin an existing laneway. The intent of this document is to support infill residential development including multiple, grouped, single and special purpose dwellings in line with the Shire's Strategic Community Plan, Local Planning Strategy and Local Planning Scheme.

This Policy outlines development provisions that are additional to, or vary, those contained within *State Planning Policy 7.3 Residential Design Codes Volume 1* to enable residential development and/or subdivision fronting an existing laneway.

3.0 Objectives

The objectives of this Policy are to:

- facilitate residential laneway development as a means to achieve affordable infill residential development and housing diversity;
- enable the subdivision of lots and development of grouped dwellings or special purpose dwellings, where sole access to the lot or dwelling is from the existing laneway;
- improve the use, amenity, character and security of existing laneways;
- support the use of laneways as the sole means of access to new residential developments; and
- ensure safe vehicular and pedestrian access to dwellings that front a laneway.

4.0 Applications subject to this Policy

This Policy applies to applications for residential development including, but not limited to:

- special purpose dwelling, grouped or multiple dwellings and/or subdivision of residential zoned land,
- Additional dwelling/s that will front and gain sole access from an existing laneway on Mixed Use and Commercial zoned lots.

Appendix 1 shows the location of laneways located within the town of Collie.

Opt-in / opt-out

This policy only applies to landowners who decide to participate as there is no compulsion for landowners to participate in this policy.

5.0 Application requirements

Applicants wishing to add an additional dwelling that fronts and gains sole access from an existing laneway should contact the Shire Planner to discuss their proposal prior to completing and submitting:



- a) An *Application for Development Approval* Form;
- b) Scaled site plan, floor plan and a minimum of 2x elevation plans;
- c) Payment of required application fees; and
- d) Any other information or documentation that the assessing officer requires to verify that the objectives of the *Scheme* and residential design codes will be achieved.

Applicants should also contact the Shire if they intend to subdivide a lot that will result in a lot that fronts and gains sole access from an existing laneway.



6.0 Policy statement

6.1 Acceptable development provisions

The addition of a dwelling fronting a laneway is considered residential development, therefore the provisions listed below are either instead of, or additional to, those contained within *State Planning Policy 7.3 Residential Design Codes Volume 1*.

Planning Bulletin 33/2017 - Rights-of Way or Laneways in Established Areas should also be used as guidance when assessing applications for development approval.

Subdivision

Battleaxe subdivision for properties with an existing rear laneway are generally not supported. New lots created should utilise the laneway by having one or more lots front the laneway with sole access to that/those lot/s via the laneway.

Widening of the Laneway

- a) As properties adjoining the laneway are developed and/or subdivided by individual property owners, the land required for the widening of the laneway will be ceded as Crown land, free of cost, as a condition of freehold subdivision or development approval;
- b) The land required to be ceded by properties as a result of this policy is to comprise the strip of land that directly adjoins the laneway, to the width determined at part 6.1(c) of this Policy, outlined below.
- c) The width of land to be ceded is dependent on the existing width of the laneway. The width of land to be ceded is generally an area equal to half the required width of widening required for the laneway to reach a minimum width of 7 metres. This portion of ceded land is to be the full length of the property boundary that adjoins the laneway. This will ensure that the full widening of the laneway will be shared by the properties on either side of the laneway.

Appendix 2 lists the width of laneways located within the town of Collie.

Formula for amount of land to be ceded: $\frac{7m - \text{existing width of laneway}}{2}$

2

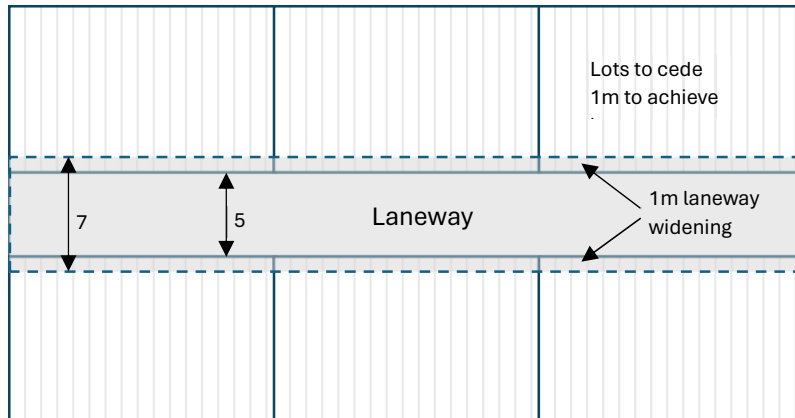


Figure 1 – Ceding of land for widening of laneway if all landowners participate.

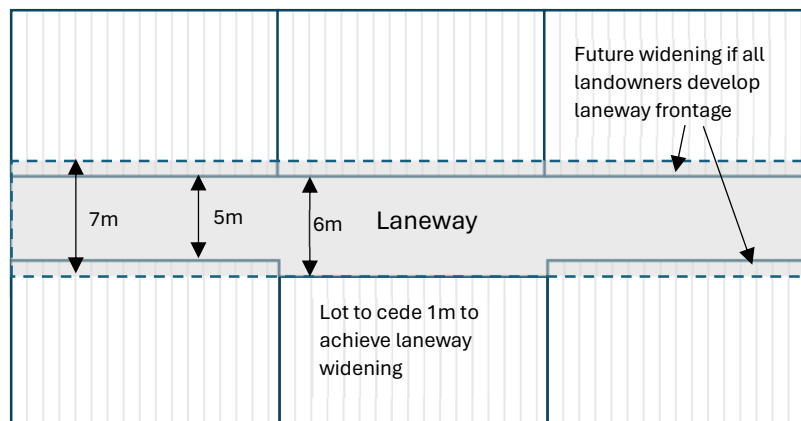


Figure 2 – Ceding of land for widening of laneway if only one landowner participates.

- d) No building, landscaping, fencing or other obstructions are to be located in the area of a property adjoining the laneway that is required for the widening of the laneway.

Street Truncations

- a) Where two laneways meet, a minimum 2.8m truncation (2m x 2m) is required in addition to any required laneway widening. This is to allow for sightlines and turning radii for cars, most rubbish trucks and/or larger vehicles;
- b) Laneway truncation development at the intersection of a laneway and a street should be assessed individually, and appropriate truncations are to be determined on a case-by-case basis. Where required, truncations at the intersection of a laneway and a street are required to achieve adequate sightlines for pedestrian and vehicular safety, and include consideration of issues such as access for rubbish trucks and nearby footpaths; and
- c) Provision of truncations where a laneway joins a street shall occur after taking into account a) above as well as any required laneway widening. If additional area is required for



truncations this is to be ceded as Crown land as a condition of freehold subdivision or development approval.

Building/Laneway Setbacks (see Figure 3)

- a) Front building setbacks for a property fronting a laneway shall be a minimum of 3.5m;
- b) Garages and carports shall be set back a minimum of 3m from the property boundary that adjoins/fronts the laneway; and
- c) a) and b) above are applicable to the new lot boundary if land has had to be ceded for widening of the laneway.



Lighting

- a) Lighting should be provided at points of pedestrian and vehicle access to the development that fronts the laneway. This is the responsibility of the landowner/developer; and
- b) It is recommended that lighting be provided using fixed, motion-activated lighting devices adjacent to or above these access points.

Surveillance and Building Design

- a) Building design should encourage overlooking of the laneway. Streetscape design principles from State Planning Policy 7.3 apply to development fronting laneways, including the provision of Street surveillance.

Soft Landscaping

- a) The building setback area to the laneway is to have a minimum of 50% soft landscaping;
- b) This landscaping should not obstruct surveillance of the laneway pedestrian access point to the front of the building; and
- c) If landscaping is within a truncation, it must be kept to a maximum height of 750mm.

Car Parking

- a) There is to be no parking within the laneway;
- b) Visitor parking will need to be accommodated within the lot boundaries or on the surrounding streets; and
- c) Where a laneway exceeds 140m in length consideration should be given to provision of visitor parking within the laneway through the creation of wider sections along the length of the laneway. Appendix 2 shows the length of laneways located within the town of Collie.

Visual Sightlines and Vehicle Manoeuvring to the Lot

A minimum 1.0m x 1.0m visual sightline truncation is to be provided at the intersection of a wall or fence with a vehicle driveway or vehicle entry point to a development accessed from a laneway (Refer Figure 3 below).

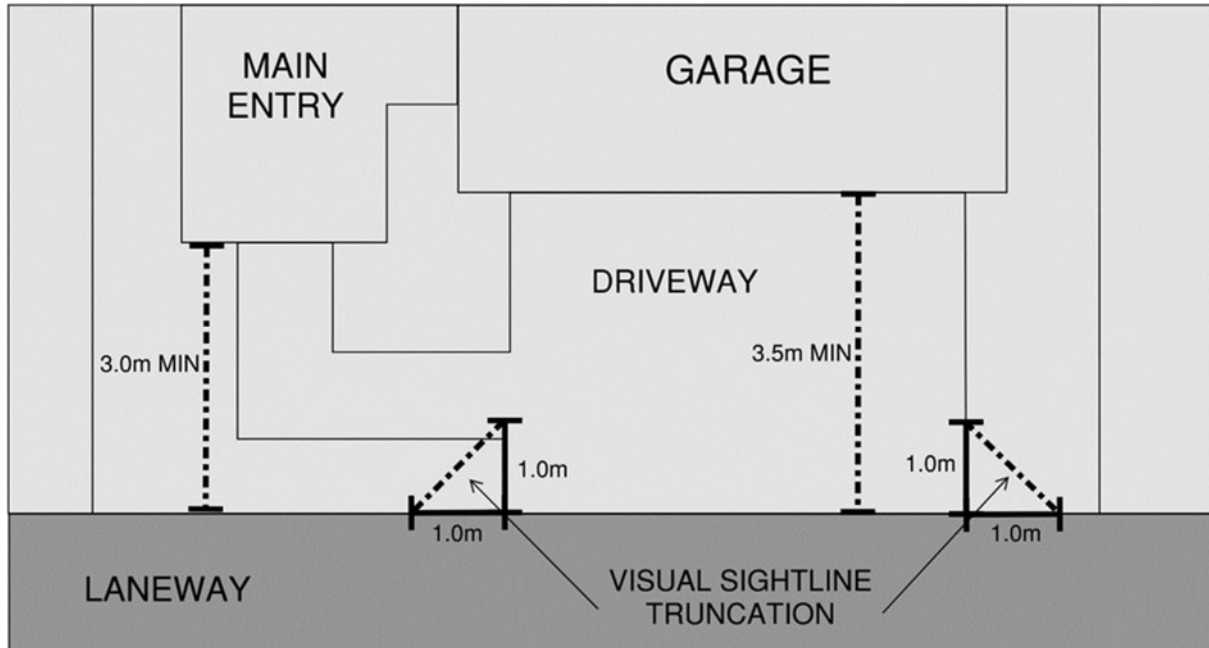


Figure 3 – Building Laneway Setbacks and Visual Sightline Truncation Areas

Private Laneways

If the proposed subdivision or development fronts a private laneway or right-of-way (separate land parcel), the private laneway will need to be vested to the Crown or the Shire as part of subdivision or development approval ie private laneways will need to be ceded.

6.2 Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy and may require consultation in accordance with this Policy.

7.0 Consultation

A proposal that is not in accordance with one or more clauses of this Policy may be advertised in accordance with the provisions of cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advertising may include:

- notification by post, email or other means of communication to property owners and occupiers that the Shire considers likely to be affected by the granting of development approval;
- publishing of a notice of the proposed development in a local paper; and
- onsite signage.

The cost of any advertising in a paper and/or signage shall be met by the applicant.



8.0 Definitions

Laneway means a narrow local street type without a verge located along the rear and/or side property boundary, also referred to as a thoroughfare or right of way. Typically used for vehicular access in more dense residential areas.

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

Private right-of-way means the balance of title from a subdivision held in private ownership over which adjacent owners have an implied right of access under Section 167A of the *Transfer of Land Act 1893*.

Public right-of-way means land vested in the Crown under the *Transfer of Land Act 1893* for public use. These can be ceded to the Crown on subdivision or amalgamation under Section 152 of the *Planning and Development Act 2005*.

Special purpose dwelling includes ancillary dwelling, aged or dependent persons dwelling or a single bedroom dwelling.

Responsible Business Unit	Development Services
LPP Category	Sustainable Settlements (Our Built Environment)
Public Consultation	Yes
Adoption Date	##/##/2024
Next Review Date	##/##/2026
Reference Number (Internal purposes)	