

<b>Responsible Directorate</b>	Development Services
<b>Responsible Business Unit/s</b>	Strategic Planning
<b>Responsible Officer</b>	Manager Strategic Planning
<b>Affected Business Units</b>	Strategic Planning Subdivision and Infrastructure

## Objective

The objective of this Subdivision and Development Fronting Historic Lanes within the Byford Old Quarter Policy is to:

- Outline the requirements for the subdivision of lots that front historic lanes within the Byford Old Quarter area.
- Ensure the laneways are upgraded to the Shire's requirements.
- Facilitate the upgrading of the laneways to provide a safe, legible and accessible outcomes for dwellings fronting the laneways.
- Ensure the upgrading of the laneway contributes to a good quality public realm, in keeping with the existing character of the area.
- Provide a sufficient level of public and private amenity as part of subdivision and development taking place.

## Background

The Detailed Area Plan for the Byford Old Quarter recognises the planning prospect of development of land backing onto the historic lanes of Byford. These lanes, through staged subdivision and development of interfacing land, have the opportunity to open up and form a new public realm, which is interfaced by appropriately scaled development and which accommodates the shared needs of pedestrians, trees, cars and parking.

The traditional lanes were designated as 'rights-of-way', which was a method of vesting under-width roads under the *Transfer of Land Act 1893*. The laneways however were all dedicated as public roads in November 2015.

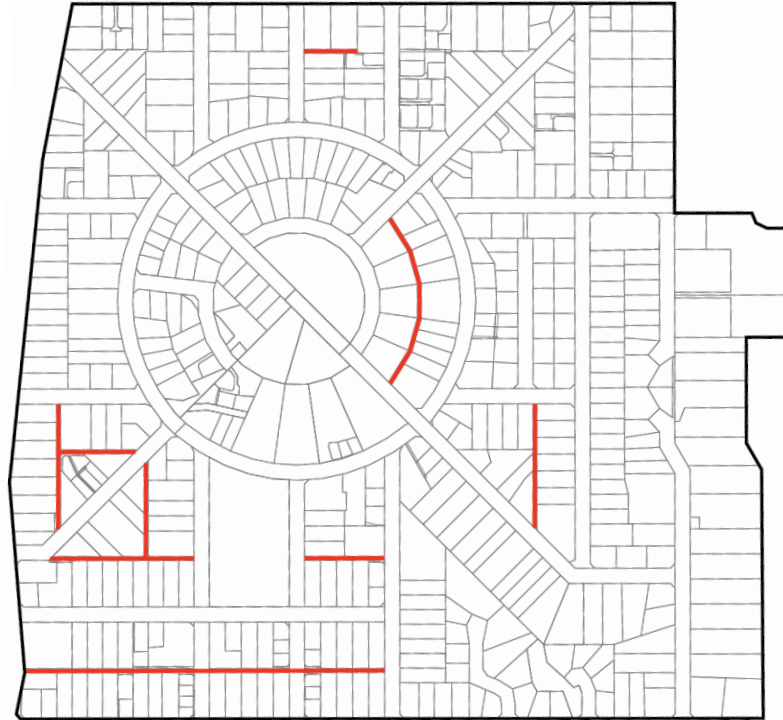
The Byford Townsite Detailed Area Plan outlines that where rear laneways adjoin the lot, at the time of the subdivision, the laneway shall be widened to a width of 10m. The widening is to be shared by both property owners on either side of the laneway. This is done through a condition of subdivision or development to cede a 2.5m section of the land for the road widening. Upon piecing together all the bits to form a complete 'road widening' along the lane, the vesting of such can change to a 'public road'.

With development being intended to front the historic lanes, the upgrading of the lanes must occur so that it is at a suitable standard to facilitate access to new lots. This upgrading may not necessarily be coordinated, insomuch that lots that are located on the inner parts of the lane may be seeking to subdivide/develop before the outer sections of lanes.



### Scope

This Policy applies to subdivision of lots that front historic lanes through the Byford Old Quarter. The Byford Old Quarter is shown in the map below.



The Byford Old Quarter is bound by Walters Road in the North, South Western Highway to the West and Beenyup Road to the South.

### Policy Provisions

In order to facilitate subdivision and implement the provision of the laneways to a standard that is acceptable, several requirements are outlined for lots with front boundaries abutting the laneway and lots with side boundaries abutting the laneway. These requirements seek to avoid inadequate outcomes being implemented.

In recent times, there have been ad hoc laneway treatments, resulting in no trees and car parking bays, and with portions of laneways not being developed for a number of years resulting in uneven and varying road surfaces. Given these lanes become the frontage of new lots and homes built, they are a subdivision cost to be upgraded to a safe, legible and accessible manner.

This Policy seeks to outline the requirements of subdivision fronting laneways and the required upgrading of the laneways. It also guides what is developed in each ceded 2.5m segment of lots fronting the laneways, and how the pavement of the laneway (the middle 5m portion) is upgraded to a satisfactory standard.

#### 1. Lots with Front Boundary abutting the Laneway

The requirements for subdivision of lots fronting laneways within the Old Quarter of Byford are as follows:



- a) Ceding of 2.5m for the full frontage of the lot proposed to be subdivided;
- b) Within that 2.5m ceded section of land, the construction of the crossover for the future driveway, one parallel parking bay (red asphalt) and two street trees, one on either side of the parking bay;
- c) The curb and sealing of the 5m laneway, with two coat bitumen, ensuring that it is a curbed and sealed standard from the nearest street all the way up to the full frontage of the subdivided lot, with the Subdivider having the choice to extend from either end to achieve this. Due to topography and drainage management, it is likely that connection will occur to the street downgrade of the lot;
- d) The 5m laneway is to have a central crossfall to provide centrally piped and drained infrastructure, which connects with the adjoining street system as connected to under point c) above.
- e) The subdivider is responsible for the works and cost of upgrading of the laneway. The Subdivider may wish to obtain their own legal advice as to their options under s159 of the *Planning and Development Act 2005*.

### 2. Lots with Side Boundary abutting the Laneway

The requirements for subdivision of lots fronting laneways within the Old Quarter of Byford are as follows:

- a) Lots with side boundaries abutting the laneway have the same requirement to cede 2.5m of the lot to construct visitor car parking and plant two street trees.
- b) For the area of the ceded 2.5m that is not occupied by the visitor car parking bay/s and 2 street trees, there is to be a basic verge garden/mulch planted, adhering to Water Sensitive Urban Design Principles and incorporating native vegetation.

### Summary

The Shire's position on development fronting historic lanes within the Byford Old Quarter is that the Subdivider shall cede 2.5 meters of land at subdivision and develop the laneway at their own cost as per the requirements outlined in this Policy.

It is noted that development fronting historic lanes within the Byford Old Quarter should be conducted in accordance with the principles of *Planning Bulletin 33/2017 Rights-of-way or laneways in established areas*. Terminology used in this position paper is as per the Planning Bulletin.

### Definitions

**Laneway:** A narrow local street type without a verge located along the rear and/or side property boundary, typically used in more dense residential areas when smaller lot layouts justify rear garaging, and where alternative vehicle access is needed for lots fronting busy streets or parks.

**Rights of Way:** Land vested in the Crown under the *Transfer of Land Act 1893* for public use. These can be ceded to the Crown on subdivision under Section 152 of the *Planning and Development Act 2005*.

**Relevant Policies/Council Documents**

- The Byford Townsite Detailed Area Plan
- *Planning Bulletin 33/2017 Rights-of-way or laneways in established areas*

**Legislation/Local Law Requirements**

- *Local Government Act 1995*
- *Planning and Development Act 2005*

Office Use Only				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	21/03/2022	<b>Resolution #</b>	OCM043/03/22
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
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