COUNCIL POLICY

LOCAL PLANNING POLICY – REAR LANEWAY ACCESS

Policy No: 8.11

Purpose

- To provide guidance on the use of rear laneways as a primary source of vehicular access to landholdings where conventional access from the primary street frontage is impractical or unavailable.
- Facilitate the orderly use and development of land where rear laneway access is appropriate and necessary
- Ensure rear laneways can safely accommodate vehicular movements associated with adjoining land uses
- Promote attractive and functional development adjoining rear laneways
- Encourage passive surveillance to the rear laneway
- Ensure rear laneways continue to function safely and efficiently as secondary elements of the local road network while accommodating appropriate development opportunities
- Ensure landowners contribute appropriately toward infrastructure upgrades required to facilitate development
- Protect the long-term function of rear laneways as part of the local road network

Definition – Rear Laneway

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 (Source: Residential Design Codes Volume 1 2026).

Laneways in the Katanning townsite are predominantly 5m wide. Subject to the absence of obstructions and appropriate operating conditions, this width may accommodate two-way vehicle movements and waste collection vehicles.

As a general guide, rear laneways should operate at low speeds, with a target maximum operating speed of 15 km/h. Traffic generation should generally be consistent with the function and physical capacity of the laneway.

A 300 vehicle movements per day threshold may be used as a general benchmark when assessing whether a proposed development would materially alter the function or operating capacity of a rear laneway. Council may require further traffic assessment where this threshold is likely to be exceeded or where site-specific circumstances warrant.

PRIMARY STREET - unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling or building (Source: Residential Design Codes Volume 1 2026).

Scope

This policy applies to proposals seeking to utilise a rear laneway as the primary source of vehicular access where access from the primary street frontage to the rear of the lot is not possible, is significantly constrained or would result in an inappropriate or inferior planning outcome.

This may occur where:

- Existing development extends from side boundary to side boundary;
- Vehicular access along a side boundary is unavailable;
- The configuration of the lot prevents practical access from the primary street frontage; or
- The rear laneway provides a more appropriate and efficient access arrangement.

Rear laneways were originally created to facilitate the installation of reticulated sewerage. Today, rear laneways are often used as a means of secondary vehicular access to the adjoining residential lots, however they are increasingly being used as the means of primary vehicular access to infill development.

The Western Australian Planning Commission promotes the use of rear laneways as a means of access to infill development as a preference to the traditional battleaxe form of development where rear laneways exist. This is on the basis that the use of rear laneways provides a superior living environment whereby houses face streets or laneways, rather than enclosed in backyards.

There are a number of benefits for utilising rear laneways as a means of access. It allows the optimal use and development of adjoining residential land and minimises the negative impact of garages, carports, paved areas and crossovers on the existing streetscape, particularly in areas where the original streetscape is intact. The creation of a streetscape within a rear laneway not only improves the appearance of these access ways, but provides the opportunity for surveillance of these areas to discourage anti-social behaviour.

Policy Requirements

1. Council may support the use of a rear laneway as the primary source of access where access via the primary street frontage is unavailable, impractical, or would result in an inferior planning outcome.
2. In considering use of a rear laneway, which would increase traffic movements or alter the functional use of the laneway, landowners with properties that have frontage to a rear laneway are to be consulted and comments considered.

3. Where a rear laneway is unsealed, inadequately drained, or otherwise requires upgrading to accommodate a proposed development, the landowner may be required to undertake the necessary infrastructure improvements or contribute financially towards maintenance, drainage works, sealing, widening, or other infrastructure improvements considered necessary by Council.

4. Dwellings, garages and outbuildings fronting a rear laneway are to be setback as required by the Residential Design Codes or as otherwise required by the Local Planning Scheme or applicable development standards, unless a greater setback is required by Council having regard to adequate access, servicing, amenity or safety considerations.

5. The parking needs of residents should be accommodated on-site or, in some cases, by an appropriate cash-in-lieu arrangement for the local government to provide public parking facilities. In determining parking requirements for developments no allowance or credit should be given for parking within rear laneways. Development adjoining a rear laneway should incorporate windows, entrances, or other design elements that provide passive surveillance of the laneway and enhance community safety.

6. Bin storage areas located adjacent to a rear laneway shall be appropriately screened and maintained to minimise visual impacts, noise, odour, vermin, and litter.

7. Fencing adjacent to a rear laneway should balance privacy and security with opportunities for passive surveillance. Fencing is encouraged to be visually permeable (minimum 50 per cent permeability) and incorporate architectural features that contribute positively to the streetscape.

8. Adequate lighting shall be provided at points of vehicular and pedestrian access to improve safety, security, and surveillance.

9. Crossovers and access points between a property and a rear laneway shall be designed in accordance with the relevant Australian Standards, including AS 2890, to ensure safe vehicle access, manoeuvring, and egress.

10. All vehicle manoeuvring associated with the development shall be accommodated within the boundaries of the lot unless otherwise approved by Council.

11. Approval for the use of a rear laneway as a primary source of access does not create an obligation on Council to upgrade, seal, widen, or otherwise improve the laneway unless separately resolved by Council.

12. Council may refuse proposals where the anticipated traffic generation would exceed the practical operating capacity of the rear laneway.

Legislation:	*Planning and Development (Local Planning Schemes) Regulations 2015*
Resolution No:	OCM/?/?
Resolution Date:	?? 2026
Amended:	?? 2026
Source:	Town Planning
Date of review:	?? 2028
Review Responsibility:	General Manager Operations

Shire of Katanning
Heart of the Great Southern

COUNCIL POLICY

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- Ensure landowners contribute appropriately toward infrastructure upgrades required to facilitate development
- Protect the long-term function of rear laneways as part of the local road network

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Definition – Rear Laneway

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Laneways in the Katanning townsite are predominantly 5m wide. Subject to the absence of obstructions and appropriate operating conditions, this width may accommodate two-way vehicle movements and waste collection vehicles.

As a general guide, rear laneways should operate at low speeds, with a target maximum operating speed of 15 km/h. Traffic generation should generally be consistent with the function and physical capacity of the laneway.

A 300 vehicle movements per day threshold may be used as a general benchmark when assessing whether a proposed development would materially alter the function or operating capacity of a rear laneway. Council may require further traffic assessment where this threshold is likely to be exceeded or where site-specific circumstances warrant.

PRIMARY STREET - unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling or building (Source: Residential Design Codes Volume 1 2026).

~~A rear lane is a narrow road reserve that runs behind residential, commercial, or mixed use development.~~

~~Rear lanes commonly accommodate utility services, including sewer, drainage, power, and telecommunications infrastructure, and are generally not intended to function as primary streets. Rear lanes may provide access to parking areas, ancillary buildings, service areas, loading facilities, and waste collection areas located at the rear of a property.~~

Scope

This policy applies to proposals seeking to utilise a rear laneway as the primary source of vehicular access where access from the primary street frontage to the rear of the lot is not possible ~~or,~~ is significantly constrained or would result in an inappropriate or inferior planning outcome.~~.~~

This may occur where:

- Existing development extends from side boundary to side boundary;
- Vehicular access along a side boundary is unavailable;
- The configuration of the lot prevents practical access from the primary street frontage; or
- The rear laneway provides a more appropriate and efficient access arrangement.

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The Western Australian Planning Commission promotes the use of rear laneways as a means of access to infill development as a preference to the traditional battleaxe form of development where rear laneways exist. This is on the basis that the use of rear laneways provides a superior living environment whereby houses face streets or laneways, rather than enclosed in backyards.

There are a number of benefits for utilising rear laneways as a means of access. It allows the optimal use and development of adjoining residential land and minimises the negative impact of garages, carports, paved areas and crossovers on the existing streetscape, particularly in areas where the original streetscape is intact. The creation of a streetscape within a rear laneway not only improves the appearance of these access ways, but provides the opportunity for surveillance of these areas to discourage anti-social behaviour.

~~Objectives~~

~~The objectives of this Policy are to:~~

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- ~~Facilitate the orderly use and development of land where rear lane access is necessary;~~
- ~~Ensure rear lanes can safely accommodate vehicular movements associated with adjoining land uses;~~
- ~~Promote attractive, functional and secure development adjoining rear lanes;~~
- ~~Encourage passive surveillance and community safety;~~
- ~~Ensure landowners contribute appropriately toward infrastructure upgrades required to facilitate development; and~~
- ~~Protect the long-term function of rear lanes as part of the local road network.~~

Policy Requirements

1. Council may support the use of a rear laneway as the primary source of access where access via the primary street frontage is unavailable, impractical, or would result in an inferior planning outcome.

2. In considering use of a rear laneway, which would increase traffic movements or alter the functional use of the laneway, landowners with properties that have frontage to a rear laneway are to be consulted and comments considered.

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~~2. A rear lane should have a minimum trafficable width of 5.5 metres to safely accommodate two-way vehicle movements. A variation to the min 5.5 trafficable width may be considered where traffic movements can be safely managed via a passing lane or one-way movement and including directional signage. In considering access which incorporates the use of a passing lane or one-way movement, landholders fronting the rear lane are to be consulted and comments considered.~~

3. Where a rear laneway is unsealed, inadequately drained, or otherwise requires upgrading to accommodate a proposed development, the landowner may be required to undertake the necessary infrastructure improvements or contribute financially towards maintenance, drainage works, sealing, widening, or other infrastructure improvements considered necessary by Council.

4. Dwellings, garages and outbuildings fronting a rear laneway are to be setback as required by the Residential Design Codes or as otherwise required by the Local Planning Scheme or applicable development standards, unless a greater setback is required by Council having regard to adequate access, servicing, amenity or safety considerations.

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~~4.~~ The parking needs of residents should be accommodated on-site or, in some cases, by an appropriate cash-in-lieu arrangement for the local government to provide public parking facilities. In determining parking requirements for developments no allowance or credit should be given for parking within rear laneways. ~~Buildings and structures adjoining a rear lane shall be setback a minimum of 2 metres from the rear boundary, or as otherwise required by the Residential Design Codes, Local Planning Scheme, or applicable development standards.~~

5. Development adjoining a rear laneway should incorporate windows, entrances, or other design elements that provide passive surveillance of the laneway and enhance community safety.

6. Bin storage areas located adjacent to a rear laneway shall be appropriately screened and maintained to minimise visual impacts, noise, odour, vermin, and litter.

7. Fencing adjacent to a rear laneway should balance privacy and security with opportunities for passive surveillance. Fencing is encouraged to be visually permeable (minimum 50 per cent permeability) and incorporate architectural features that contribute positively to the streetscape.

8. Adequate lighting shall be provided at points of vehicular and pedestrian access to improve safety, security, and surveillance.

9. Crossovers and access points between a property and a rear laneway shall be designed in accordance with the relevant Australian Standards, including AS 2890, to ensure safe vehicle access, manoeuvring, and egress.

10. All vehicle manoeuvring associated with the development shall be accommodated within the boundaries of the lot unless otherwise approved by Council.

11. Approval for the use of a rear laneway as a primary source of access does not create an obligation on Council to upgrade, seal, widen, or otherwise improve the laneway unless separately resolved by Council.

~~11.~~12. Council may refuse proposals where the anticipated traffic generation would exceed the practical operating capacity of the rear laneway.

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Western Australian Planning Commission

Planning Bulletin 33/2017
Rights-of-way or laneways in established areas

33/2017

PB

January 2017

1. Purpose

This Planning Bulletin establishes the Western Australian Planning Commission's (WAPC) policy, practice and procedures regarding residential and commercial development and subdivision (including strata and survey-strata) adjoining existing rights-of-way (or laneways).

The development of rights-of-way in "greenfield" subdivisions in new urban areas, or on large urban infill sites within developed areas, is addressed in the WAPC's Development Control Policy 1.7 - General Road Planning (DC 1.7) and Liveable Neighbourhoods.

2. Background

Private rights-of-way are separate parcels of land which were generally created in subdivisions around the turn of the century to facilitate sanitary collections from the rear of properties prior to the installation of reticulated sewerage. They usually remained in the ownership of the original subdivider after the lots shown on the Plan or Diagram of Survey were sold off. Private rights-of- way are nowadays often the 'balance of title' contained in a Certificate of Title still registered in the name of the original subdivider, perhaps a deceased person or a defunct company. However, these private rights-of-way are often used by the public for a range of purposes and in established areas are increasingly relied upon for access. Sometimes these rights-of-way have been acquired by the local government and, in many cases, dedicated as public roads.

There are a range of approaches which have been adopted for the management of private rights-of-way. These range from upgrading their status to a minor public street with public utilities, lighting, postal services, landscaping and parking bays, to paving and draining, to restricting access by installation of bollards, to complete closure and division between adjacent owners. This Planning Bulletin encourages the adoption of a coordinated long-term approach to the use and upgrading of rights-of-way in areas undergoing redevelopment and outlines some of the key issues and approaches to be generally applied. It is recognised that management approaches should reflect local circumstances.

3. Definitions

"Dedication" means the acquisition as Crown land of any alienated land or private road which has been used by the public, following a request from a local government to the Minister for Lands under Section 56 of the *Land Administration Act 1997*.

"Laneway" means 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.

"Private road" means alley, court, lane, road, street, thoroughfare or yard on alienated land which is shown on a Plan or Diagram of Survey deposited with the Registrar of Titles and which:

(a) is not dedicated, whether under a written law or at common law, for use by the public;

(b) forms a common access to the land, or premises, separately occupied; or

(c) 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 (Section 3 of the *Land Administration Act 1997)*.

"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 under Section 152 of the *Planning and Development Act 2005*.

"Public road" means a public thoroughfare for vehicles (as defined in the *Road Traffic (Administration) Act 2008* section 4) or pedestrians, and includes structures or other things appurtenant to the road that are within its limits, and a thoroughfare is not prevented from being a road only because it is not open at each end.

4. Who has the right to use private rights-of-way?

Section 167A of the *Transfer of Land Act 1893* indicates that the registered proprietors of the original lots, which were included in the Plan or Diagram of Survey creating that private right-of-way, have an 'implied right' easement to use them provided it is shown as a 'right-of-way' on the Land Titles Office Plan or Diagram of Survey.

The present owners of abutting lots (providing the lots, or lots from which they were created, were included on the Plan or Diagram of Survey in which the right-of-way was created) have the right to upgrade, seal and drain and to use, along with guests and invitees, the right-of-way for vehicular and pedestrian access.

Sometimes lots which abut a right-of-way do not have a section 167A easement because they were not created on the same Plan or Diagram of Survey as the right-of-way. Landowners in these cases may, nonetheless, still have rights to use

a right-of-way at Common Law or under the *Prescription Act 1832*, but investigation of this would need to be undertaken.

5. What should be done to rights-of-way in established areas?

5.1 Redevelopment adjacent to rights-of-way

Access via rights-of-way facilitates the development of infill dwellings at the rear of existing residences which utilise rights-of-way as their sole vehicular access to the dedicated street network or for rear access to new narrow lots. This may facilitate the greater use of urban land without detrimentally affecting the streetscape particularly in heritage areas. The use of rights-of-way is considered to provide a superior living environment to battleaxe development. In particular it is considered preferable for houses to face streets and laneways rather than be enclosed in backyards. It also contributes to personal safety through surveillance.

However, redevelopment adjacent to unmade private rights-of-way may increase vehicular usage and create management problems for which there is no identifiable responsible authority.

Where sole vehicular access via a right-of-way is proposed for residential subdivision and/or development and the right-of-way is not a public road, applicants should be required to demonstrate (by submission of copies of the Certificate of Title and original Plan or Diagram of Survey or other documentation) that they have a right to use the right-of-way.

Where sole vehicular access is via a right-of-way and one of the lots does not have a frontage to the public street then there will generally be a requirement to provide a pedestrian access leg to the public street for postal, visitor, rubbish collection and public utilities (e.g. water, gas, electricity and telephone). This can be in the form of a portion of the rear lot or as common property in the case of a strata title or survey strata subdivision. While one metre access legs may be accepted where a site is constrained by existing buildings worthy of retention being set back less than 1.5 metres from the boundary, generally a 1.5 metre width is favoured as providing sufficient space for services and to avoid visually unattractive narrow alleyways.

5.2 Upgrading of rights-of-way

The upgrading of rights-of-way to a sealed and drained standard should be required in areas of intensification of residential and commercial development. It is suggested that proponents of development with sole vehicular access via the right-of-way should be required to seal and drain the portion of right-of-way abutting the subject property (if not already constructed to that standard) and make trafficable (to the satisfaction of the local government) the rest of the right-of-way to the closest public street. In other cases contributions towards right-of-way upgrading may be required as a condition of subdivision or development approval. Such contributions may follow the principles and considerations set in the WAPC's *State Planning Policy 3.6 Development contributions for provision of infrastructure*.

In order to provide for the upgrading of a right-of-way to facilitate adjacent development, a more coordinated approach may be required. The preparation of plan for a whole street block in which widening, parking, lighting and other services are provided for may be desirable. Such a plan was successfully implemented on Easton Lane, off Sackville Terrace, Doubleview.

It is desirable for the local government to seek the dedication of the right-of-way as a public road or to acquire ownership of the right-of-way.

6. What are the appropriate design standards for rights-of-way?

Some of the design solutions associated with 5 or 6 metre wide rights-of-way in established areas are illustrated on the attached diagrams.

6.1 Width of rights-of-way

Rights-of-way were not designed to carry frequent vehicular traffic. The narrow width of some rights-of-way coupled with increased vehicular traffic could lead to property damage and accidents due to the insufficient space for the manoeuvring of vehicles around bends and into and out of properties. The narrow width of many rights-of-way can leave insufficient space for passing either oncoming or parked vehicles and ispotentially unsafe for pedestrians. Before comprehensive development occurs adjacent to rights-of-way there may be a need for widening.

Liveable Neighbourhoods requires a minimum width of 6 metres for a right-of-way for vehicular access. This is based upon the minimum space required to manoeuvre a car into or out of a garage, carport or parking space at right angles to the right-of-way.

It is recognised that vehicles can pass safely (at low speed) in a 5 metre wide right of-way. Therefore, existing 5 metre wide rights-of-way may not require widening if

they only provide (vehicular) access to garages, and are not the main (pedestrian access to dwellings or commercial premises adjoining the rights-of-way. For example, where a pedestrian access leg to the public street is provided (as in paragraph 4.1 above) pedestrians, emergency, postal and other services and rubbish collectors have alternative access to the rear development and to on-street parking, and so the requirement to widen the right-of-way may be waived where all development in the street block is likely to follow this pattern.

The WAPC will not normally support dedication where the width is less than 5 metres, and where the right-of way is the sole frontage for the proposed lots.

It should be noted that with a 5 metre right-of-way the garages (at right angles to the right-of-way) should be set back at least one metre from the property boundary to achieve the required manoeuvring space for a vehicle to reverse into or out of the garage. Where garages are set back behind the property boundary it is recommended that a 45 degree visibility splay either side of the garage entrance should also be kept clear of development to improve visibility and make turning manoeuvres easier. Alternatives to the one metre garage set back could include wider garages (which allow the turning manoeuvre to commence within the garage)or garages aligned at less than 90 degrees to the right-of-way (which reduces the width of the turning path). It is recognised that some local governments already have more restrictive requirements in this regard.

Where particular constraints preclude the widening of a right-of-way for residential developments, the following alternative design solutions may be acceptable:-

- one-way traffic operation on a right-of-way less than 5 metres wide;
- on-site parking bays constructed immediately adjacent and parallel to the right-of-way (not within the right-of-way);
- narrow one-lane sections of right-of-way with wider sections for vehicles to pass at appropriate locations, and other similar approaches.

Any such proposal needs to be carefully considered in relation to the operation of the surrounding street network and must be endorsed by the relevant local government before a subdivision or development application is approved.

6.2 Length of rights-of-way

The WAPC will generally not support dedication where rights-of-way are of excessive length (in excess of 140 metres) and where there is no alternative pedestrian access to the street. Having such long or narrow streets as the sole access (both for vehicles and pedestrians) to properties is considered undesirable and may result in excessive walking distances to visitor parking in the surrounding streets and result in visitors parking in the right-of-way.

Where a length of right-of-way longer than 140 metres is dictated by the existing street network then it may require special treatment to restrict traffic volumes and speeds.

Some possible treatments for long rights-of-way could include the use of traffic calming devices to slow traffic, intermediate connections to the local street network, and wider sections of right-of-way to allow for the installation of visitor parking.

6.3 Traffic flow and design speed

Liveable Neighbourhoods recommends an indicative maximum traffic volume of 300 vehicles per day (vpd) and target maximum speed of 15 km/h.

6.4 Truncations

DC 1.7 recommends that a 2.8 metre truncation (2 m x 2 m) may be required where two private streets (i.e. rights-of-way) meet or where a private street meets a public street.

Liveable Neighbourhoods is silent on the need for truncations for rights-of-way but provides guidance for truncations in laneways. An acceptable alternative to truncations could be to reduce the width of the pavement at the neck of the laneway.

To improve sight lines and turning radii, it is recommended that appropriate truncations be required where two rights-of- way meet (or at any bend in a right-of-way of 60 degrees or more). A 2.8 metre truncation (2 m x 2 m) would improve sight lines and turning radii for cars and, in 6 metre rights-of-way, may be adequate for most rubbish trucks (this should be confirmed with the relevant local government). For larger vehicles, such as furniture removal vans and fire engines, larger truncations may be required upon the recommendation of local government. If rubbish trucks are required to access the right-of-way they should not have to reverse into or out of the right-of-way. As other larger vehicles will be much less frequent it may be acceptable for them to reverse in or out of the right-of-way.

Where the right-of-way connects to a public street the need for a truncation is related to sight lines between vehicles in the right-of-way and pedestrians or cyclists on paths in the street verge. Where a path is located close to the property boundary a truncation should be applied or the pavement reduced in width at the neck of the laneway, but if there is no path, or if the path is located away from the property boundary, the truncation could be reduced in size or not required.

6.5 Parking provision

The parking needs of residents should be accommodated on-site or, in some cases, by an appropriate cash-in-lieu arrangement for the local government to provide public parking facilities. In determining parking requirements for developments no allowance or credit should be given for parking within the right-of-way.

Wherever possible, visitor parking (in excess of the local government requirements for on-site parking provision) should occur on the surrounding streets with access to residences along the right-of-way or through the property (e.g. where a pedestrian access leg is provided, or common property in a strata titled or survey-strata development). Where this is not possible then visitor parking should be provided on site.

6.6 Lighting

Where there is a reasonable expectation that pedestrians will use the right-of-way (especially in the case where residences do not have alternative pedestrian access to the public street) lighting should be provided at appropriate intervals (to the satisfaction of the local government) as an essential component of the right-of-way design. This could be provided, for example, by attaching lighting to adjoining buildings with the owners' consent to a long-term lease at peppercorn rental, with the local government funding the installation, maintenance and tariff.

Where there is not a reasonable expectation that pedestrians will use the right-of-way (e.g. where the right-of-way only provides vehicular access to garages) the requirement for provision of lighting would be at the discretion of the local government but should usually be encouraged for improved security.

6.7 Surveillance of rights-of-way

Building design which allows for the overlooking of rights-of-way from facing buildings should be encouraged. Potential for surveillance from windows provides greater security for the users of the rights-of-way and adjacent properties.

7. How should improvements to rights-of-way be implemented?

7.1 Dedication of rights-of-way

Dedication of private rights-of- way (or acquisition of the private street by the local government) is often considered desirable to enable management and maintenance by the local government, particularly where redevelopment is taking place adjacent to the private right-of-way. Even where upgrading is not envisaged, it is considered appropriate that rights-of-way be considered as public areas for which local government should be the responsible authority. Dedication of rights-of-way also resolves the legal question of who has a right to use the right- of-way.

Where the private right-of-way is dedicated and provides the only way of accessing individual dwellings or commercial premises, it becomes a street in function and would need to provide the normal services of a street such as public utilities, access for emergency vehicles, postal services, refuse collection, street name and numbering. Dedication means that the general public and various public utility authorities have the right to use the right-of- way, in addition to the adjoining residents.

Section 52 of the *Land Administration Act 1997* provides for a local government to request the Minister for Lands to close a right-of-way by acquiring the land as Crown land where the land is designated for a public purpose on a plan of survey or sketch plan. The procedure requires the local government to notify the holder of the freehold land, the adjacent owners and suppliers of public utilities to the land. The local government is also required to advertise its intention in a daily newspaper circulating throughout the State and to provide at least 30 days within which objections may be lodged.

Under Section 56 of the *Land Administration Act 1997* the local government may request the Minister for Lands to dedicate the land as a road. Under this section the owner of the freehold land on which a right-of-way had been used by the public for over ten years is not entitled to claim compensation.

7.2 Securing land for widening of rights-of-way

Sections 168 or 152 of the *Planning and Development Act 2005* can be used to require private right-of-way or narrow dedicated laneway widening. Section 168 can

be used to dedicate the widening as a public street where the widening connects to the existing dedicated street network, or Section 152 can be used to create a reserve for public right-of-way in the event that the widening will not connect to the existing dedicated public street system. Section 168 may also be used to create an addition or truncation to a public street by showing it on a strata or survey-strata plan. This would administratively simplify the widening of public rights-of-way where strata titles development is occurring as once the widening is shown on the strata plan it automatically vests without requiring formal subdivisional approval.

Wherever a subdivision (including strata title or survey strata) or development gains access from a right-of-way less than 6 metres wide (or 5 metres, if appropriate), the approval may require that the land required to widen the laneway to 6 metres (assuming equal widening on both sides of the right-of-way, where appropriate) will be given up free of cost to be dedicated to 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. This reflects the increasing need for greater width (improved vehicle passing opportunities, etc.) as the number of developments accessing the right-of-way grows.

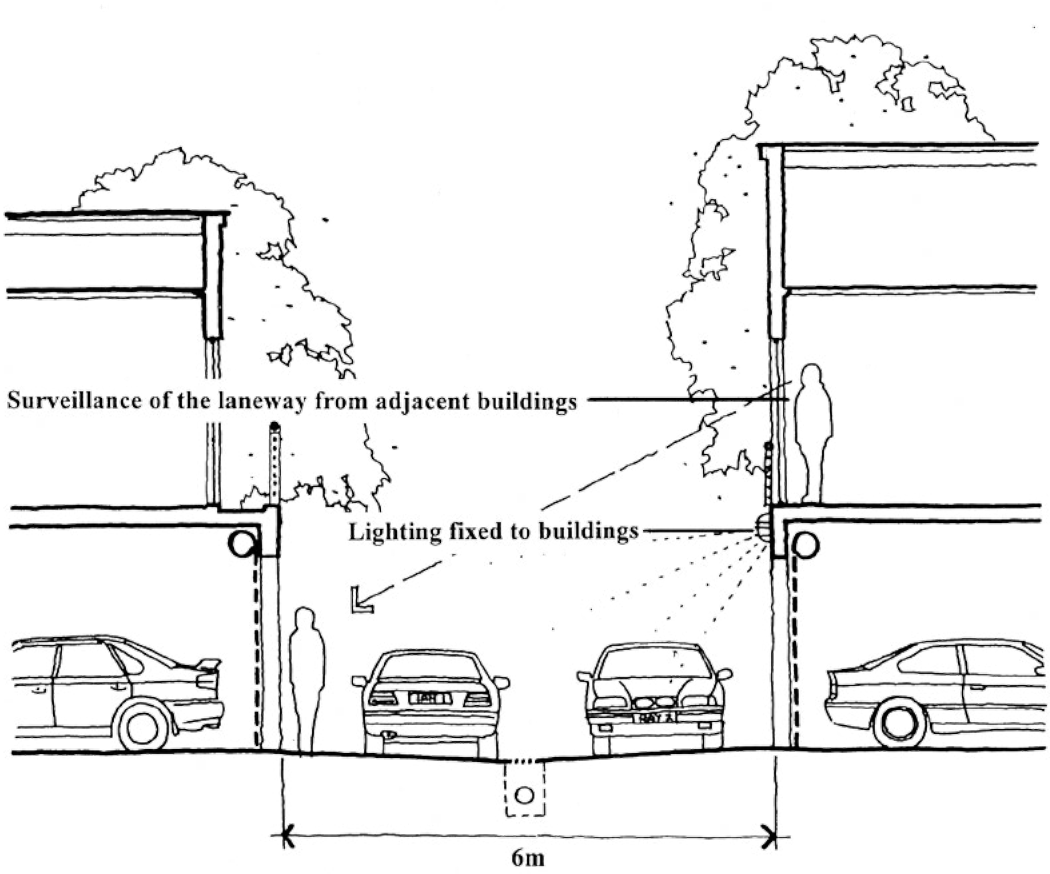
For development applications the requirement to give up land for widening the right-of-way will necessitate a subdivision or strata application, although such an application is usually sought by developers to provide separate titles for new units.

Where a subdivision or development is adjacent to a right-of-way less than 6 metres wide (or 5 metres, if appropriate) but does not, or is not required to, make use of the right-of-way for access, it may not be considered equitable to require land for widening the right-of-way to be given up free of cost. However, development on such properties should be encouraged to be set back by an extra amount equal to any widening required so that the local government has the option to purchase land to widen the right-of-way in the future if this is allowed for as part of a comprehensive development plan for the right-of-way.

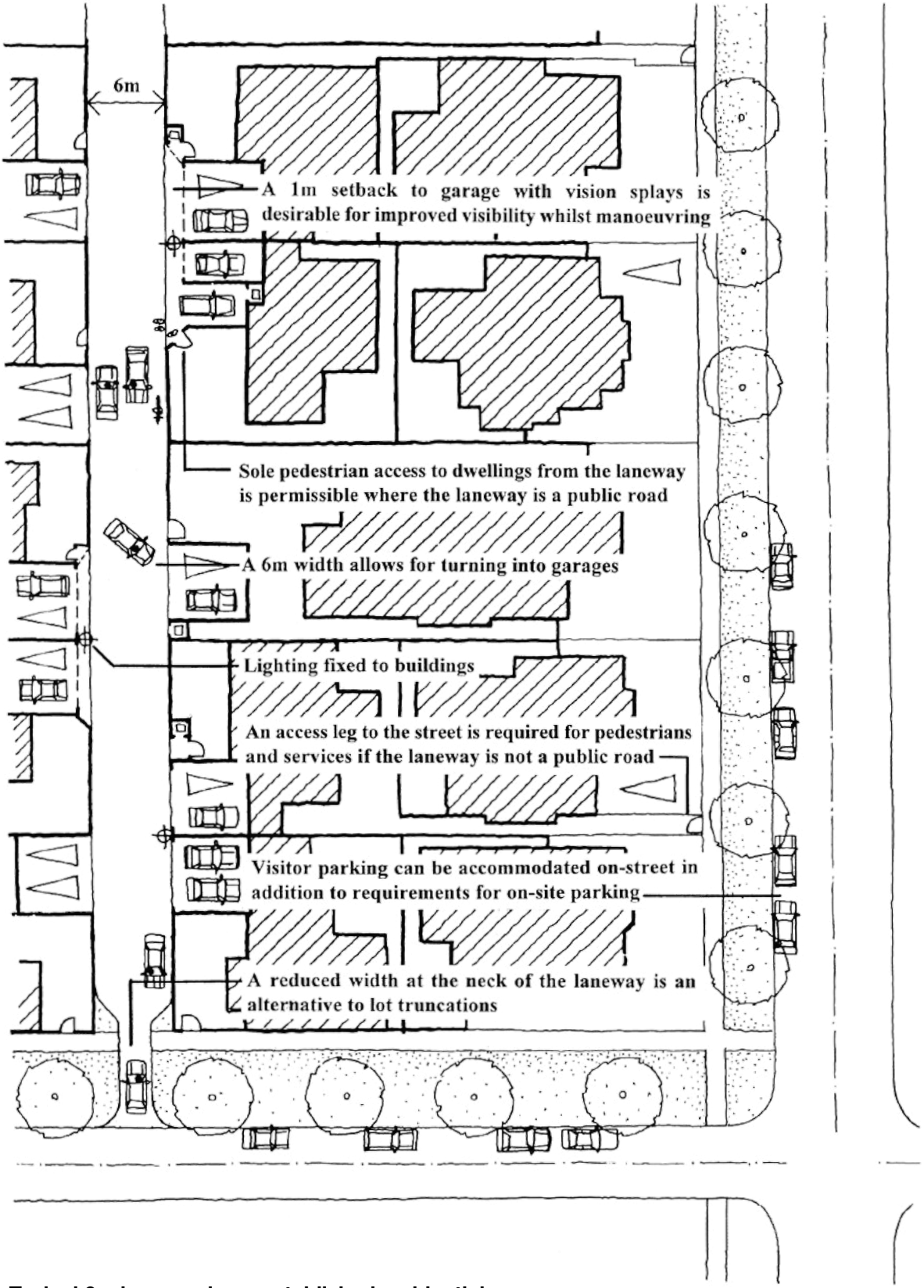
7.3 Local government policies

It is considered appropriate for individual local governments to refine these guidelines to take into consideration local circumstances. Local governments are requested to notify the Department of Planning of any adopted rights-of-way policy to ensure that in the Department's advice to the WAPC on individual subdivision and strata applications local requirements are taken into account.

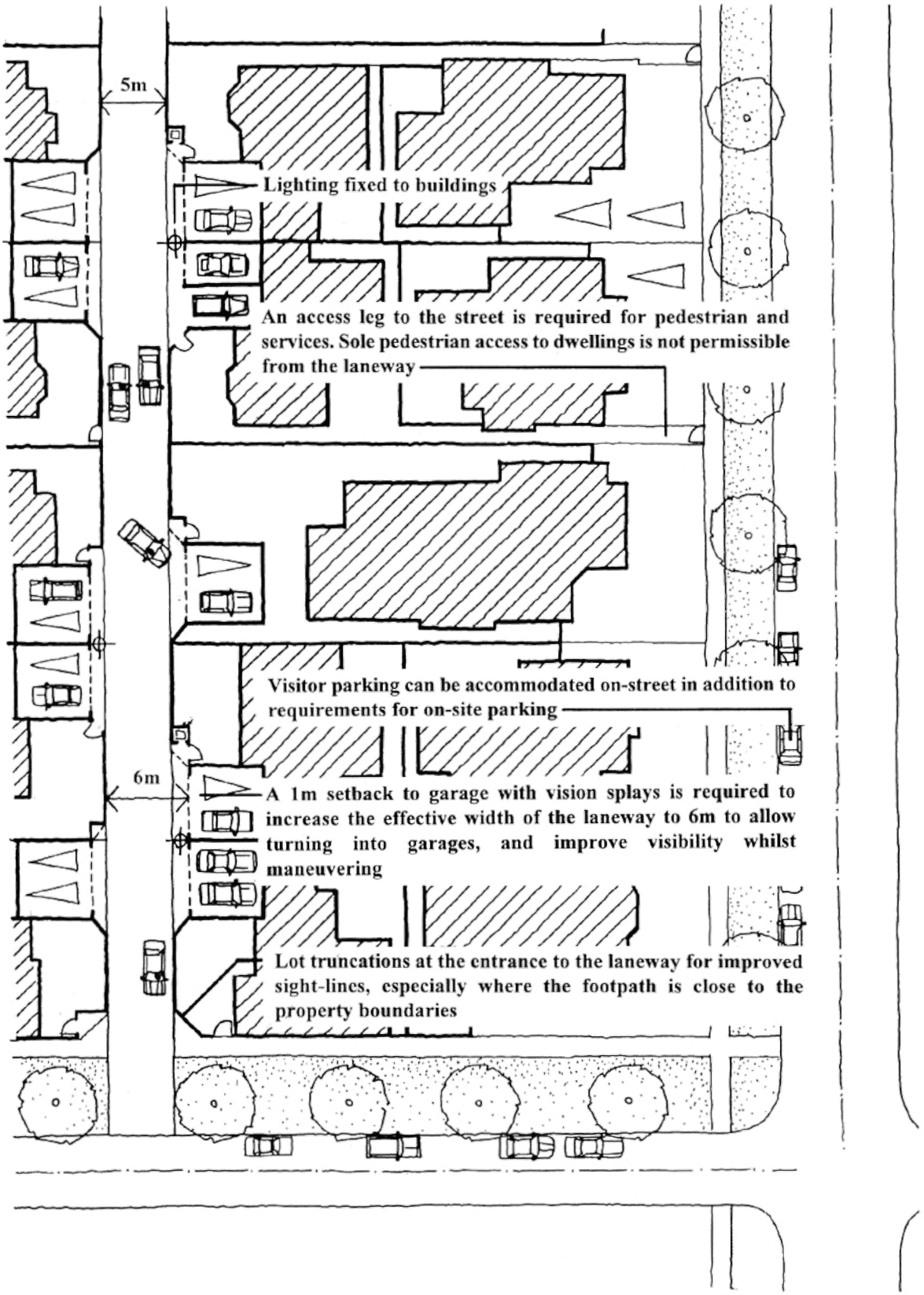
Developers are encouraged to contact the relevant local government before lodging applications to determine whether the local government has additional requirements to those set out above.



Typical cross section of a 6m laneway



Typical 6m laneway in an established residential area



Typical 5m laneway in an established residential area

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GOVERNMENT OF WESTERN AUSTRALIA

Nurul Abdullah

From: Michael Jenssen <michael.jenssen@bigpond.com>
Sent: Thursday, 27 August 2026 5:07 PM
To: Shire of Katanning
Cc: michael.jenssen@bigpond.com; Susan Walters
Subject: Submission – Rear Lane Policy Property:,39 Adam Street,Katanning WA. Michael Jenssen and Susan Walters

Submission – Rear Lane Policy.

Michael Jenssen and Susan Walters.

Property:
39 Adam Street
Katanning WA

Dear Chief Executive Officer and Councillors,

We welcome the opportunity to comment on Council's recently adopted **Rear Lane Policy.**

Our property is located at **39 Adam Street, Katanning**, with **Pilotbird Lane situated directly behind our rear boundary fence**.

Pilotbird Lane is not an access point to our property and has never formed part of our property's vehicular access. Our property has lawful access from Adam Street and Golf Links Road. We do not have, require or seek access to Pilotbird Lane.

Unfortunately, Pilotbird Lane's only impact on our property has been negative.

During periods of heavy rainfall, stormwater from Pilotbird Lane flows onto our property and floods our backyard. This has been an ongoing problem for many years and one that we have repeatedly brought to the attention of the Shire.

To protect our home, we have undertaken works on our own property, entirely at our own expense. These works include constructing a brick and concrete barrier along the base of our rear fence to help prevent floodwater entering our backyard and excavating drainage channels across our property to divert storm water away from our house.

Pilotbird Lane has also experienced incidents of anti-social behaviour over the years. Discarded syringes and other drug-related paraphernalia have been found in the lane, creating safety concerns for adjoining residents.

Comments on the Policy

We welcome the adoption of Policy No. 8.11 because it clearly defines a rear lane as a **road reserve** and recognises its role as **part of the local road network**. This provides welcome clarity regarding the status and responsibility for Pilotbird Lane.

During previous discussions there appeared to be uncertainty regarding the ownership and responsibility for Pilotbird Lane. We subsequently confirmed through Landgate that Pilotbird Lane is a Shire road reserve.

Following the adoption of Policy No. 8.11, we measured the trafficable width of Pilotbird Lane immediately behind our property. We found the lane to measure approximately **5.1 metres at one end of our property and 5.3 metres at the other**.

Clause 2 of the policy states that a rear lane should have a minimum trafficable width of **6.0 metres** to safely accommodate two-way vehicle movements.

The policy also refers to **adequate lighting** and **passive surveillance**.

There is currently **no lighting on Pilotbird Lane**.

Most of the existing rear fencing along Katanning's laneways is high and solid, generally around 1.8 metres or higher. These fences provide privacy and security for adjoining properties.

This raises several questions:

- Is the reference to **adequate lighting** intended to apply to existing laneways?
- How is **passive surveillance** expected to operate where existing laneways are predominantly bordered by high, solid fencing?
- Has Council considered the balance between passive surveillance and the privacy and security of adjoining properties?
- Are these requirements intended to apply to existing historic laneways or primarily to new laneways created through future development?

Our Position

Our circumstances are quite different from those contemplated by a policy intended to facilitate rear lane access.

As the owners of 39 Adam Street, we receive no benefit from Pilotbird Lane. We do not use it for access and do not require it.

We have retained photographic and video evidence showing stormwater flowing from Pilotbird Lane into our backyard during heavy rainfall. We have also photographed the measured width of the lane and the flood protection works undertaken on our property. These records are available should Council wish to consider them.

Accordingly, we respectfully request that Council:

- acknowledge that **39 Adam Street does not utilise Pilotbird Lane for vehicular access**;
- confirm that we will not be required to contribute towards the maintenance or upgrading of Pilotbird Lane, as our property receives no benefit from the lane;
- undertake the necessary drainage works within Pilotbird Lane to ensure stormwater from the road reserve is contained and does not discharge onto our property; and
- continue to address maintenance, safety and anti-social behaviour within Pilotbird Lane.

We appreciate Council's consideration of this submission and hope that Policy No. 8.11 provides an opportunity to resolve the longstanding issues associated with Pilotbird Lane.

Yours faithfully.

Michael Jenssen and Susan Walters

39 Adam street.

Katanning WA 6317.

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