



LANEWAY MANAGEMENT POLICY

Type:	Corporate Policy		
Owner:	Director of Infrastructure and Environment Services		
Responsible Officer:	Director of Infrastructure and Environment Services		
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Legislation Reference:			

1 PURPOSE

The purpose of this policy is to:

- preserve the network of laneways within the Katherine Township, and
- guide decision making where a request to implement some form of treatment or closure of a laneway is received.

2 SCOPE

The principles that apply to the management of laneways are:

- Council recognises that laneways were created for a purpose and provide a function and where practicable will retain laneways as a component of the pathway network
- Council will advocate for the engagement of all relevant government agencies that may impact on social behaviour issues and influence community responses and views
- The occurrence of anti-social and criminal behaviour is a community issue that may not be practical to address by laneway treatments or closures
- The implementation of temporary laneway treatments should not exceed twelve months without being reviewed by Council to assess effectiveness and costs
- A laneway that provides an overland stormwater flow path will not be considered for permanent closure
- Council recognizes that community expectations over time may change and that there will be different views within the community at any one time
- Wherever possible Council will seek to respond to the broad interests of the community when determining any treatment or closure of a laneway
- The permanent closure of a laneway within the road reserve requires the consent of the Minister for Local Government and the Minister responsible for the Control of Roads Act

3 DEFINITIONS

Public Open Space (POS) Access Laneway means a laneway connecting a street to POS, and the land comprising the laneway is within the surveyed lot forming the POS.

Street Access Laneway refers to a laneway connecting two streets and the land is a continuation of the road reserve. Laneway Category A method to calculate the significance of the laneway based on the level of disruption to active transport activities and overland stormwater movement.

Permanent Laneway Treatment is a modification of a laneway intended to remain in place for greater than twelve months that may include: • Bicycle chicane/s, • Lighting. Permanent closure is not a form of laneway treatment.

Temporary Part Time Closure typically involves daily closing of a laneway with locked gates typically between the hours of 9:00pm and 6:30am with the duration of the daily closing as determined by Council with a maximum period of twelve months. The time of closure will be assessed to suit the circumstances of the laneway.

Temporary Full Time Closure is the closure of the laneway with locked gates with the duration of closure as determined by Council with a maximum period of twelve months.

Permanent Closure is the closing of a laneway by the creation of a new lot that is defined by the boundaries of the abutting properties with the intent to dispose of the lot and consolidate into abutting properties.

Active Transport relates to physical activity undertaken as a means of transport. It includes travel by foot, bicycle, motorised scooters, and nonmotorised vehicles.

Relevant Government Agencies are the NT Police Force, Territory Housing, Territory Families, and other agencies involved with the provision of social services

Public Utility Easement (Linear or Transverse) is an easement established in the interest of a public utility provider for the purpose of protecting an underground service/s located within (linear) or across (transverse) a laneway.

Overland Stormwater Flow Path means several laneways provide severe rainfall (1:100 yr) event overland flow paths to mitigate the risk of property inundation.

4 DETAILS

RATIONALE

The retention of laneways to enable active transport options is Council's preferred option. Where social issues associated with anti-social or criminal activity are occurring within the vicinity of a laneway the initial response is to engage with relevant government agencies to identify reactive and proactive intervention options, prior to considering the use of laneway treatments.

The permanent closure of a laneway will be considered by Council in special circumstances where the closure of the laneway does not unreasonably impact on active transport options within the vicinity of the laneway. The impact assessment includes several information sources outlined in the Policy.

LANEWAY APPLICATION AND ASSESSMENT REQUIREMENTS

Landowner application to close a laneway

For Council to assess a laneway an application form must be completed by all abutting property owners. The form will include the following:

(a) Reason for requesting closure of the laneway e.g. anti-social behaviour associated with use of the laneway

- (b) Details of incidents reported to NT Police providing dates and times
- (c) Period of occupancy of the property
- (d) Acknowledgment that a financial contribution will be paid to Council on request prior to instigation of a permanent closure where Council determines closure is possible
- (e) Acknowledgement that payment to Council is required for the portion of the closed laneway that may be amalgamated with their property prior to undertaking the permanent closure following Ministerial consent for permanent closure (where required).

NOTE:

1. Where an abutting property owner is the Northern Territory Government, Council will liaise directly with the relevant agency.
2. Payment of a financial contribution will not be required at the time of requesting closure of a laneway – only after Council determines that permanent closure is possible.
3. Where a resident is not the owner of the property, the property owner is required to make the application as the property owner will be required to agree to amalgamate any closed portion of laneway and make a payment for the land based on the methodology set out in Clause 4.4.3.

Information to be collected for report to Council

Where the completed application forms have been received from all property owners, Council will undertake the following actions:

- (a) Request information from NT Police relating to the vicinity of the laneway covering the most recent quarterly reporting period
- (b) Survey a minimum of 20 properties within the immediate vicinity of the laneway
- (c) Install a CCTV camera at one end of the laneway for a period of not less than three weeks to obtain laneway usage data
- (d) Request information from relevant government agencies and non-government organisations on local issues
- (e) Calculate the Laneway Category using the approved methodology
- (f) Assess the laneway in respect of its stormwater function
- (g) Obtain information on underground services within the laneway

NOTE:

1. Council will respond to a request for closure no later than three months from receipt of a written request submitted in accordance with Clause 4.2.1

Consideration by Council

Where the above requirements and information have been completed Council will consider the appropriate action to be taken. The options that Council may consider are:

- (a) Decline the request. Where a request has been declined Council will not consider a further request within twelve months unless there is a demonstrable and significant change in circumstances from the original request.
- (b) Request relevant government agencies and non-government organisations to provide responses to address the cause of the anti-social behaviour.
- (c) Where the information indicates that a targeted strategy may assist in addressing the cause of the anti-social behaviour Council will advocate for responses from the relevant government agencies and non-government organisations.
- (d) Consider a treatment commensurate with the identified issues;
- (e) Where treatment does not involve trialling part-time closures, the treatment may be permanent. Where the Council approves the trialling of a part-time closure, the closures will occur for a maximum period of twelve months (from implementation).

NOTE:

1. Council will determine the review period based on the specific circumstances of the laneway.

The purpose of setting a twelve-month maximum period is to ensure that the information and monitoring that may be required is undertaken in a timely manner.

Review by Council

Where Council has reviewed a trial treatment or facilitated a response by relevant government agencies and non-government organisations the following review periods will apply: If Council has requested relevant government agencies and non-government organisations to provide responses to address the cause of the anti-social behaviour, Council will review the effectiveness of the responses no sooner than six months from implementation.

Where the responses have not achieved a positive outcome, however the expectation is that the strategy / response may deliver reduced incidents of anti-social behaviour, the Council may defer a decision on the laneway for a further six-month period.

At the of the initial six months or after twelve months where there is no demonstrable reduction in anti-social behaviour Council may consider permanent closure of the laneway subject to the required criteria being met.

Consider a treatment commensurate with the identified issues; Where the Council approves the trialling of a night-time closure, the closures will occur for a maximum period of twelve months (from implementation) before the effectiveness of the trial is assessed. During the trial the laneway use, and other relevant information will be collected.

Subject to the information collected, Council may choose to cease the treatment or extend the treatment for further period not exceeding twelve months.

CRITERIA FOR PERMANENT CLOSURE OF A LANEWAY

Council may seek the permanent closure of a laneway where the following criteria are satisfied:

- a) The laneway does not provide an overland stormwater flow path; and
- b) The Laneway Category is rated a Low or Medium; and
- c) Agreement with abutting landowners ensures that the whole of the laneway will be disposed of through amalgamation with the abutting properties; and
- d) The abutting landowners have acknowledged and agreed to the contribution to costs for the closure of the laneway and the payment for the portion of closed laneway (inclusive of easements where applicable) to be amalgamated with their property; and
- e) The laneway use is less than 30 movements per day.

NOTE:

1. The purpose of the policy is to avoid the retention of small and isolated parcels of land held by Council that serve no long-term benefit or purpose for the community.

LANDOWNER CONTRIBUTION AND PURCHASE OF LAND

The cost to undertake the permanent closure of a laneway may be up to \$16,000 and comprises public notices, survey, land titles and development costs, and removal of the constructed path.

Council will require each abutting landowner to contribute \$500 towards these costs. Payment will be required prior to instigating public consultation for the proposed closure. Where a landowner has agreed to amalgamate a portion of the closed laneway with their property, the value of the closed portion will be calculated as follows:

- The value of the original property will be determined,
- The combined (original plus portion of laneway) property will be calculated,
- The amount to be paid will be the difference between the two values.

The values will be determined by a Certified Practicing Valuer and subject to review by the Valuer General where required.

NOTE:

1. Payment of a financial contribution will not be required at the time of requesting closure of a laneway – only after Council determines that permanent closure is possible.
2. Payment for a portion of land to be acquired will not be required at the time of requesting closure of a laneway – only after the permanent closure has been approved by the relevant Ministers, where required, and the subdivision of the land has been determined to enable the valuation methodology to be applied.

5 ASSOCIATED POLICIES/DOCUMENTS

Katherine Town Council - Laneway Classification Guidelines

6 REFERENCES AND RELATED LEGISLATION

Local Government Act 2019

Local Government (General) Regulations 2021

Katherine Town Council By-Laws 1998

Revision History

Version	Approval date	Details of change	Responsible officer
1	XXXX	Creation	Director of Infrastructure and Environment Services