



Mildura Rural City Council

Closure and Sale of Roadways/Laneways Policy

Policy – CP042

Prepared	Reviewed	Approved	Date	Council Minute No.
Strategic Planning Coordinator	Corporate Management Team	Council	June 2012	2012/0122
Trim File: 18/02/01		To be reviewed: June 2015		
Document Owner: General Manager Development		Review Frequency: 3 years		

1. The purpose of this policy is

To provide clarification for landowners, developers, the community and Council as to the circumstances under which roads and laneways may be considered for formal closure.

2. Policy Statement

- Retaining laneways in residential and township areas provides an opportunity for flexibility and innovation for future development of the adjoining private land parcels. The closure and sale of roads and laneways is generally discouraged.
- Council acknowledges that under certain circumstances, the need may arise to consider on its merit closure of a road/laneway in the overall interests of the broader community. Any process that Council undertakes to close a road or laneway must be consultative and accord with the provisions of the Local Government Act and any relevant legislation.

3. Principles

Consideration of roadway/laneway closure shall be defined under two categories

- Mildura CBD
- Residential/Townships/Rural

Mildura CBD

- With regard to CBD roads and lanes, all applications for closure should be considered on their merit. Notwithstanding this, any proposal to close a CBD road or lane should take into account but not be limited to the attached decision guidelines (attachment 1).

Residential/Township and Rural roads/laneways

- Residential/Township and Rural roads/laneways should also be considered for closure on individual merit and taking into account the requirements of all affected parties.
- Consideration of the principles and concepts detailed in the 'Mildura CBD' section of this policy should be undertaken in determining the merits of any laneway closure in residential and township areas.

4. Who is responsible for implementing this policy?

- Manager Community Futures – strategic assessment of proposal
- Manager Engineering Services – engineering assessment of proposal
- Manager Corporate Administration – administrative procedures

5. Definitions

Road and laneway definitions are as defined within the Mildura Rural City Council Municipal Road Management Plan 2009

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- Local Government Act (1989)
- Road Management Act (2004)

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Mildura CBD Plan
- Mildura Rural City Council Municipal Road Management Plan 2009
- Decision considerations (Attachment 1)

6.3 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	✓
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	

Attachment 1 – Policy CP-042

Background

The historic settlement pattern forms part of the inheritance of the community, and has been in place for over 100 years. Use of the lanes has evolved, as in all cities, from the original imperatives defining the pattern, and responds to the benefits provided as appropriate to the time. These benefits remain both the providence and legacy of the community. No mandate exists to transfer benefits wholly and exclusively to any individual landowner without due consideration of community benefit.

The existing streetscape generally reflects the original pattern and contributes to the variety and richness possible. Legible permeability exists currently in the laneway network, and development should respond appropriately.

The *Mildura CBD Plan* has identified the laneway network as part of the identifiable character and an enduring strength of the Mildura CBD, and has framed its protection within the vision together with actions including a program of upgrade to enhance all existing lanes and arcades to provide an interesting, active, accessible and safe environment.

The coffee house and salad bar on the corner of Bowrings Lane give a glimpse of possible future active edge concentration of the lanes especially possible near to corners with main thoroughfares.

Best Practice Urban Design

Permeability

Established best practice urban design ensures both pedestrian and car users are presented with the greatest possible choice of access to land within an environment, and is defined as achieving greater permeability. Council's urban design framework, the *Mildura CBD Plan*, responds to the issue of permeability with respect to Mildura CBD grid pattern, acknowledging that the CBD is well served by the laneway network running mid-block and parallel to the avenues. It does however identify the need for greater permeability mid-block running parallel to streets, including Gallagher's Lane, and recommends initiatives to achieve this aim.

This provides many benefits as part of an approach which also sees variety, richness, robustness and legibility as important qualities for the creation of an environment which provides interaction with all users. The greatest threat to achieving greater permeability is recognized to be the increasing number of large and needlessly monolithic developments.

Use of Lanes

Numerous examples exist, where a fine-grained permeable settlement pattern, particularly with respect to existing laneways, has provided cities with the potential to respond to further development of urban character. Where successfully recognised, these have been established as vibrant public places providing both social and economic benefits to the community.

In Melbourne CBD, where the settlement pattern closely resembles Mildura CBD in layout, the numerous arcades and Hardware Lane stand as particular examples intensifying the active edges involving al fresco dining and smaller business front options. This is in addition to the pedestrian connections which they provide intra block and as recommended for Mildura, becoming prominent features of the identified character and amenity of the city.

Public Domain

Both public and private benefit is derived from the current laneway network via a balance of public areas and commercial activities. This balance should not be lost in favour of commercial enterprise without consideration of the loss of community access to the laneway from both a social and environmental basis both now and into the future.

Decision Considerations

Any proposal for a road/laneway closure will need to address the issues below and any other matters that may arise as a consequence of the particular circumstance of the proposal

- What is the demonstrated community benefit of the proposal?
 - How does the proposal accord with the objectives of the Mildura CBD plan?
 - What potential affects will the proposed closure have on;
 - the abutting and nearby urban character and streetscapes
 - other adjacent and nearby property access arrangements
 - the development potential of adjacent and nearby property
 - traffic flows within the vicinity of the proposed closure
 - servicing authorities assets
 - Police, Fire and other Emergency services operations within the vicinity of the proposed closure
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