# POLICY TITLE
Right of Way Access for Abutting Development Proposals

## POLICY TYPE
Council

## GROUP
Technical Services

1. **Background**

   Right of Ways (ROWs) are commonly known as a ‘laneway’, being the area of land between property boundaries that provides a legal right to pass along the area of land, which usually connects to a road.

   Within Moonee Valley, Right of Ways Rights of Way (ROWs), commonly known as laneways, cover an area of 227,000 square metres and have a combined length of 68km. Three-quarters of the ROWs are maintained by Moonee Valley City Council (MVCC) and are constructed of concrete, asphalt or bluestone. The remaining quarter are unconstructed and are not maintained by MVCC.

   ROWs were often originally planned to accommodate drainage and some utilities for adjoining properties. Generally ROWs provide an overland drainage function and can sometimes be subject to flooding. In most cases, ROWs were not designed or constructed to carry significant amounts of vehicular traffic.

   In recent years, MVCC has experienced an increased number of planning applications that propose vehicular access to developments via ROWs. Developments with access abutting ROWs provide the opportunity for intensification of urban land and infill development within MVCC, but there is a need to manage ROW access to ensure safe, efficient and equitable use of ROWs.

   The majority of ROWs within the municipality are narrow (single traffic lane) and require consideration specific to their constrained conditions. This policy has been developed to provide strategic guidance for developments abutting laneways.

2. **Purpose**

   As stated in the Council Plan (2013-2017) Moonee Valley 2040, Moonee Valley has the strategic objectives to deliver a city with streets and spaces for people to ensure there is clear direction of growth and proactive management of development in the city. As such, accordingly, MVCC is committed to ensure development adjacent to ROWs is designed and managed in accordance with the standards required by Council, for the benefit of the local community and to facilitate appropriate development.

   Council has adopted this policy for the purpose of ensuring that proposals abutting ROWs do not result in:

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The City of Moonee Valley

- unsatisfactory or unsafe traffic conditions in ROWs; or
- damage to the condition of ROWs.

The purpose of this policy is to provide clear guidelines for developments abutting ROWs within the municipality and is intended for use by Council officers, utilities providers, private developers, permit applicants, and residents.

The policy provides measures to reduce the likelihood of damage to the ROW and to support their role and function for all ROW users. By providing guidelines, these guidelines, Council is providing clear expectations to permit applicants, the developer, and residents applying for works-planning permission for works or uses which seek to rely on abutting ROWs for access.

3. Scope

This policy applies to the whole municipality in regard to residential and commercial developments, planning permit applications, seeking access via ROWs.

Despite not being incorporated in the Moonee Valley Planning Scheme, this policy is relevant to a consideration of proposals for works and/or works abutting a ROW. As a planning policy designed to ensure the safety of ROWs for all users, this planning policy may support the imposition of planning permit conditions which may require more substantial setbacks or sightlines than the minimal traffic-safetying requirements expressed in the planning scheme.

This policy extends to all use and development applications seeking access via ROWs, and will be applied by Council officers assessing use and development applications, in particular in the preparation of planning permit conditions. In particular, Council's City Planning, Statutory Planning, Technical Services and Infrastructure Services departments involved in the planning and assessment of developments and projects.

Expires: 24/07/2018

APPENDICES – ORDINARY COUNCIL MEETING

ITEM 9.6 - APPENDIX A

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4. Definitions

**Right-of-Way:** commonly referred to as a ‘laneway’, being the area of land between property boundaries that provides a legal right to pass along the area of land, which usually connects to a higher order road. Ownership of a right-of-way may be with Council, adjacent property owners, or, a third party, and, may be identified on the Certificate(s) of Title or Implied.

**Constructed road surface treatment conditions:**
- **Brand new:** A new road or road recently rehabilitated back to new condition
- **Excellent:** A road in excellent overall condition however is not new; the road is providing its intended level of service.
- **Good:** A road in good overall condition with some possible early stages of slight deterioration evident that is minor in nature and causing no serviceability issues. No indicators of any future obsolescence and providing a good level of service.
- **Fair:** A road in fair overall condition with some deterioration evident that may be slight or minor in nature and causing some serviceability issues. Providing an adequate level of service with no signs of immediate or short term obsolescence.
- **Poor:** A road in poor overall condition moderate to high deterioration evident. Substantial maintenance required to keep the asset serviceable. Will need to be renewed, upgraded or disposed in near future.
- **Very poor:** A road in extremely poor condition or obsolete. The asset no longer provides an adequate level of service and/or immediate remedial action required to keep the asset in service in the near future.

5. Responsibility

**City Planning**
- Implementation of Policy in Moonee Valley Planning Scheme

**Strategic Planning**
- Implementation and enforcement of policy for all relevant planning applications adjacent to ROWs.

**Technical Services**
- Assessing and determining engineering permit conditions
- Standard drawing designs
- Drainage upgrades
- Assessing works associated with developments
- Asset management

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Infrastructure Services
- Maintenance of constructed ROW's
- Construction of new ROW's
- Infrastructure Maintenance and Asset Delivery

Operations Delivery
- Waste collection
- Street cleaning

Building, Health and Property Services
- Regulatory & City Compliance
- Technical Permits
- Inspections
- Asset Protection

6. Legislation

This policy has been developed with consideration to the following legislations, Acts and guidelines:
- Road Management Act 2004
- Local Government Act 1989
- Planning and Environment Act 1987
- Building Act 1993
- Geographic Place Names Act 2010
- Valuation of Land Amendment Act 2009/Valuation of Land Act 1960
- Land Acquisition and Compensation Act 1866
- Victorian Building Integrity Regulations 2017
- Moonee Valley Planning Scheme
- Metropolitan Fire Brigades Act 1958
- Emergency Management Act 1986
- Subdivision Act 1986
- Transfer of Land Act 1958
- Disability Discrimination Act (City) 1992

7. Policy

7.1 Traffic Management and Access

For all developments seeking to gain vehicular access to a property via a ROW, assess for the needs of vehicles, the safety and convenience of all motorists, emergency services personnel, pedestrians and cyclists must be considered.

In order to ensure the safe and efficient operation of ROW's. The following shall be provided:
- For use and development involving ROW's which seek to rely on that ROW for vehicular access must address the following matters, to the satisfaction of Council:

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The scale of the use or development must not adversely affect the existing, or planned nature of the ROW through overdevelopment, or through traffic generation that will be detrimental to the operation or safety of the ROW.

Provide sufficient reversing and manoeuvring areas must be provided for vehicular access. Unless otherwise agreed with Council, areas provided for reversing and manoeuvring must comply with (as part with the Australian Standards AS/NZS 2890, or any other standard identified by Council from time to time).

Provide a visual splay clear of obstructions to enable a Sight lines must be provided to allow for the safe egressing of vehicles. Unless otherwise agreed by Council.

Sight lines must be guaranteed where possible must be provided through the provision of visual splay clear of obstructions; and Corner plays of 1.0m x 1.0m where possible must be provided for corner lots abutting a ROW.

Diagram 1: Visual splay to be provided

Where necessary for the safe and efficient operation of the ROW (taking into account the impact of a proposed use or development and all necessary access arrangements), areas nominated as visibility splay-edges may be transferred to or vested in Council to be managed by Council. This will ordinarily take place at the subdivision approval stage, including as a planning permit condition.

In addition, permit applications must address the specific requirements of this policy with respect to:

- 7.1.1 Width;
- 7.1.2 Capacity;
- 7.1.3 Setbacks and Widening;
- 7.1.4 Pedestrian Considerations;

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7.1.1 Width

An abutting ROW which is identified as necessary to facilitate the use or development of land must be suitable to service access to the proposed use or development. It is policy that:

- the width of the ROW must be at a minimum width of 3.0m, and suitable to service access to the new development intended use and
- must be capable of being used by traffic associated with a proposed use or development without compromising the continuation of existing operations in the vicinity of this ROW.

Before a permit can be granted, applicants must provide swept path diagrams demonstrating sufficient space for vehicles to enter and exit the property in a forward direction in a safe and efficient manner, including refuse service vehicles where applicable.

7.1.2 Capacity

As described in Clause 56.06-8 Standard C21 of the Moonee Valley Planning Scheme, the capacity for an access lane (ROW) is 300 vehicles per day (with 30 vehicles in the peak hour), where the access lane provides two way traffic (i.e. 5.5 m width). A single lane right of way can easily accommodate 30 vehicles per hour, and this is not considered likely to cause adverse effect for the operation of a ROW.

Developers applicants are to provide a traffic assessment of the ROW where the cumulative effect of the development is likely to result in a peak hour traffic movement generation of 30 vehicles or more.

The cumulative traffic generation along a ROW is to be calculated based on traffic generated by:

- existing ROW users;
- any other planning applications lodged/approved along the ROW; and
- the proposed development.

Traffic Assessments must take into consideration the width of the ROW, and opportunities for passing areas in the assessment of satisfactory access.

7.1.3 Setbacks and Widening

Where an existing ROW does not provide the necessary dimensions or configuration to ensure the safe and efficient operation of the ROW taking into account the impact of a proposed use or development and all necessary access arrangements, any additional land necessary may be required to guarantee the safe and efficient operation of the ROW, must be transferred to or be vested in Council to be managed by Council.

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Unless otherwise agreed with Council, where a proposed new or development may include the application must include:

- A widening of the ROW along the entire property length to accommodate a total ROW width along the property boundary of 5.5m. (i.e. for a 3.0m ROW the development must vest a depth of 2.5m from the interfacing boundary to result in widening of the ROW to a total width of 5.5m).

- The widened section of land is to be marked as R1 and be transferred to or be vested in Council (in order to be subsequently maintained and managed by Council) during subdivision approval stage.

- The area to be maintained and managed by Council must not be used for car parking, but will be able to be used for passing on the ROW.

- The area to be maintained and managed by Council must maintain a surface level consistent with that of the existing ROW.

**Diagram 2:** Setback for passing resulting in total width of 5.5m

### 7.1.4 Pedestrian Considerations

Pedestrian considerations relate to safety (both limited passive surveillance and interaction with vehicles) and comfortable passage.

For pedestrians, access directly from the property to the street is preferred. Where direct street access for pedestrians cannot be achieved:

- Applications will only be considered discouraged for properties further than within 30 m of the nearest street.

- To ensure that passive surveillance from the street can be achieved for pedestrians walking along the ROW, applications will be discouraged which seek

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The surface of the ROW must be DDA compliant from the property access to the closest street footpath. Where the ROW is not in a DDA compliant condition and there is no primary pedestrian access to the street, upgrading of the ROW is required to enable a smooth, sealed and suitably drained surface, walkways, curbs, delivery of waste bins to the street, as well as postal services from the portion of the ROW abutting the development to the closest trafficable street. As the Planning Scheme requires satisfactory access to the road network, this will all works must be at the cost of the developer/potential occupier in accordance with Council specifications and to the satisfaction of the Council.

Existing ROW is constructed Bluestone. Where the R.O.W. is constructed of Bluestone and is rated fair and poor condition, the ROW is to be repaired to good condition to the satisfaction of the responsible authority.

7.1.5 Parking

- Parking of vehicles on a ROW must not obstruct the passage of vehicles or pedestrians using the ROW at any time.

- Where a ROW has a width that accommodates passing area and car parking, the parking must be arranged so that the through lanes are located at the centre of the ROW and do not impact the comfortable access of properties on either side of the ROW. Refer to Diagram 3.
7.1.6 Construction Management Plans

- A Construction Management Plan will be required for development sites abutting ROWs, to ensure that access is not adversely affected during construction and the condition of the ROW is preserved.

- The Construction Management Plan must be in accordance with MVCC Construction Management Plan Guidelines.

- Where it is proposed that construction vehicles will make use of ROWs, it must be demonstrated to Council that such movements can be accommodated within the ROW without any risk to the safety of other users. The reasonable efficient use of the ROW or to the structural integrity or condition of the ROW. Generally, heavy construction vehicles are not permitted to use ROWs.

- The Construction Management Plan must include a requirement that Parking of vehicles during construction must not obstruct the passage of vehicles or pedestrians using the ROW. All proposed access and parking arrangements during construction must be detailed in the Construction Management Plan.

7.2 ROW Surface

The planning scheme requires developments have satisfactory access to the road network. Accordingly, any works required to bring the ROW surface to a suitable standard will must be at the full cost of the developer applicant undertaken in accordance with Council's specifications and to the satisfaction of the Council. This section addresses the potential requirement for construction and drainage of a ROW for developments that have primary pedestrian access direct to the street, and vehicle access via a ROW.

7.2.1 Unconstructed ROW surface

Where the ROW is not constructed and/or not currently maintained by Council, the following considerations must be assessed on site by Council to determine the suitability of increased traffic movements:

- the trafficking condition of the unconstructed surface in terms of dust and noise (from rutting & loose gravel); and

- Drainage.

If the Council officers determines that the condition of the unconstructed ROW is not suitable for additional traffic, the Council may require that the ROW be constructed and drained from the road to the end of the applicant's development properly layout and/or in part in accordance with Council's specifications to the satisfaction of Council at the full cost of the applicant.
7.2.2 Constructed ROW Surface

For ROWs that are constructed and maintained by Council, the condition of the ROW will be taken into consideration in determining the appropriateness of development applications. Council officers will determine the suitability of increased traffic movements based on the trafficable condition of the road and drainage.

- Where the ROW is assessed by Council to be ‘fair’ or ‘poor’ condition: Council officers are required to determine the required extent of reconstruction works required to enable a smooth sealed and drained standard along the portion of the ROW abutting the development property, and to the closest trafficable road.

- Where the ROW is assessed by Council to be generally in ‘generally’ good condition, but may have some poor surface sections between the subject property and closest road, Council may require works to repair or realign poor sections of the ROW to same standard as a standard required by Council to the satisfaction of Council.

- To maintain existing character, the preference for reconstructing ROWs is either to replace existing (for ROWs currently concreted or paved in bluestone pitches), or if an alternative treatment is proposed, approval is required by Council’s City Strategic Planning Team to ensure an acceptable replacement treatment.

- Where a proposed use or development will significantly changes the use of the ROW, whereby higher levels of heavy vehicles (e.g. waste collection or loading/unloading of goods) will traverse the ROW, in addition to an assessment for the existing condition, Council must take into consideration the impact of the higher demand on the existing asset and whether the proposed development will shorten the expected lifespan. If so, Council may require reconstruction works to accommodate the additional loads expected on the ROW as a result of the proposal. Such works are to be constructed and operated by the proposed developer.

7.3 Surface Type & Heritage Preservation

Bluestone pitches are an important part of the Historic fabric of Moonee Valley and enhance the appreciation of the areas and the buildings. These bluestone elements are to be preserved and maintained to prevent deterioration wherever possible. Where bluestone surface, kerb and/or channels are present in the ROW and reconstruction is required, the following principles should be followed:

- In Heritage Overlay areas: Where required, the renewal of bluestone ROW shall be constructed in bluestone in accordance with Council’s specifications to the satisfaction of Council at the cost of the developer/applicant.

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For ROWs located adjacent to or in close proximity to heritage areas: A review of the specific heritage values is required in consultation with Council’s City Planning Team to determine if the ROW contributes to the significance of these areas. If deemed appropriate by Council, the ROW shall must be re-constructed to the satisfaction of the Council at the cost of the applicant.

For developments not located in (or proximate to) a Heritage Overlay area: it may be generally desirable to retain the bluestone pitched surface or elements thereof (i.e. bluestone invert channel). Consultation with Council’s City Planning Team is required to determine the most appropriate treatment for reconstruction.

If a new access point is created along a bluestone ROW, the new kerb and channel must adhere to Moonee Valley’s Engineering Services Special Bluestone Residential Vehicular Crossing detail.

Where the ROW will provide primary pedestrian access, the ROW must be re-constructed in a DDA compliant manner (i.e. sawn bluestone) that takes into consideration the smoothness required for walking, cycling, visibility of assets, bins to the street, as well as postal and emergency services.

7.4 Utility Services Provision

Applicants The applicant will be responsible for all costs associated with the provision of water, gas, electricity and communications utilities to the development. Any works required to dig up the ROW surface treatment must be reinstated to Council satisfaction.

Where possible, all essential services (power, water, sewer, storm water, gas and telecom) should must be provided in the street and not the ROW.

7.5 Lighting

Where lighting is considered within a ROW, this must be done in accordance with the Moonee Valley Public Lighting Guidelines 2016.

7.6 Fire Access and Emergency Services

Proposed developments must comply with the requirements set out in the Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District (8 October 2014) and to the satisfaction of the Melbourne Metropolitan Fire Brigade as follows:

In the event that sole access to a property is to be provided along a ROW less than 3.5m in width, which does not permit the access of a fire appliance, then no developments will be permitted where the distance is greater than 70m to the allotment centroid with a fire hydrant provided within 20m of the start of the narrow road.
7.7 Loading and Waste Collection

- As part of the approval for any development abutting a ROW, a waste management plan shall must be provided to the satisfaction of Council.

- Waste service for properties that front a ROW either must take place at the use of bins located at the closest adjacent road, or for larger developments via on-site private waste collection services.

- Where waste service for properties seek to wheel bins to the closest adjacent road; the smooth passage for bins will be taken into consideration when assessing the suitability of the existing surface of ROW access to developments.

- Loading and/or waste collection vehicles are not permitted to obstruct passage of other vehicles on the ROW except at any time including when carrying out their respective services, loading, unloading, waste collection or related functions.

See also Section 7.2.2

7.8 Address and Naming ROWs

- Each dwelling and commercial development must have an appropriate address for services such as Police, Ambulance, SES, Fire Brigade, and where required, Australia Post.

- Naming and numbering of ROWs will be considered when a property cannot be numbered to an existing road. The naming of a ROW shall be carried out in accordance with the Moonee Valley Place Naming Policy (2010).

7.9 Road Discontinuance and Sale of Land

- Where an applicant is applying to a ROW discontinued, and where Council resolves that land within a ROW is no longer reasonably required for public use, and is deemed surplus to Council requirements, the road discontinuance and sale of land must must be carried out in accordance with the Moonee Valley Road Discontinuance and Sale of Land Policy (2013).

8. Application Requirements

Unless otherwise agreed with Council, all proposals seeking to rely on an abutting ROW to provide vehicle access in association with a proposed use or development of land must be accompanied by:

- Swept path diagrams prepared by a suitably qualified expert demonstrating that sufficient space is provided for vehicles to exit and enter the property to start from the abutting ROW in a forward direction in a safe and efficient manner. Where applicable, the swept path diagrams must be provided for service vehicles.

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8.9 Consultation

In developing this policy the following departments were consulted:

- Technical Services
- Statutory Planning
- City Planning
- Building, Health and Property Services
- Infrastructure Services
- Operations Delivery
- Governance

9.10 Related Documents

Essential
Moonee Valley Typical Road Construction Drawings:

Vehicle Crossing Location Approval application form:

Moonee Valley Subdivision Planning guide and checklist:

General

There are numerous Relevant Council strategies and policies that influence decision making for ROW. Those that provide further guidance include:

- Moonee Valley Planning Scheme
- Moonee Valley Council Plan - 2013/14/2040 Strategy (2016)
- Moonee Valley Road Management Plan, 2013
- Activity Centre Structure Plans
- Draft Moonee Valley Integrated Transport Strategy 2016
- Moonee Valley Parking Strategy 2015
- Walking and Cycling Strategy 2012
- Road Safety Plan 2016
- Diversity, Access and Equity Policy 2014
- Moonee Valley Place Naming Policy 2010
- Road Discontinuance and Sale of Land 2013
- Moonee Valley Public Lighting Guidelines 2016
- Construction Management Plan Guidelines (Draft 2016)
1. Background

Within Moonee Valley, Rights of Way (ROWs), commonly known as laneways, cover an area of 227,000 square metres and have a combined length of 68km. Three-quarters of the ROWs are maintained by Moonee Valley City Council (MVCC) and are constructed of concrete, asphalt or bluestone. The remaining quarter are unconstructed and are not maintained by MVCC.

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Council has adopted this policy for the purpose of ensuring proposals abutting ROWs do not result in:

- unsatisfactory or unsafe traffic conditions in ROWs; or
- damage to the condition of ROWs.
The purpose of this policy is to provide clear guidelines for developments abutting ROWs within the municipality and is intended for use by Council officers, utilities providers, permit applicants and residents.

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5. Responsibility

Strategic Planning

- Implementation of Policy in Moonee Valley Planning Scheme

Statutory Planning

- Implementation and enforcement of policy for all relevant planning applications that abut ROWs.

Technical Services

- Assessing and determining engineering planning permit conditions
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Infrastructure Services

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7.1 Traffic Management and Access

For all proposals seeking to gain vehicular access to a property via a ROW, the safety and convenience of all motorists, emergency services personnel, pedestrians and cyclists must be considered.

In order to ensure the safe and efficient operation of ROWs, applications for use and development abutting a ROW which seek to rely on that ROW for vehicular access must address the following matters, to the satisfaction of Council:

- The scale of the use or development must not adversely affect the existing, or planned nature of the ROW through overdevelopment, or through traffic generation that will be detrimental to the operation or safety of the ROW.
Sufficient reversing and manoeuvring areas must be provided for vehicular access. Unless otherwise agreed with Council, areas provided for reversing and manoeuvring must comply with the Australian Standards AS/NZS 2890 or any other standard identified by Council from time to time.

Sight lines must be provided to allow for the safe egressing of vehicles. Unless otherwise agreed by Council:

Sight lines where possible must be provided through the provision of visual splays clear of obstructions; and Corner splays of 1.0m x 1.0m where possible must be provided for corner lots abutting a ROW.

Diagram 1: Visual splays to be provided

Where necessary for the safe and efficient operation of the ROW (taking into account the impact of a proposed use or development and all necessary access arrangements), areas nominated as visibility splays may be transferred to or vested in Council to be managed by Council. This will ordinarily take place at the subdivision approval stage, including as a planning permit condition.

In addition, permit applications must address the specific requirements of this policy with respect to:

- 7.1.1 Width;
- 7.1.2 Capacity;
- 7.1.3 Setbacks and Widening;
- 7.1.4 Pedestrian Considerations;
- 7.1.5 Parking; and
- 7.1.6 Construction Management Plans.

### 7.1.1 Width

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An abutting ROW which is identified as necessary to facilitate the use or development of land must be suitable to service access to the proposed use or development.

It is policy that:

- the ROW must have a minimum width of 3.0m and
- must be capable of being used by traffic associated with a proposed use or development without compromising the continuation of existing operations in the vicinity of the ROW.

7.1.2 Capacity

As described in Clause 56.06-8 Standard C21 of the Moonee Valley Planning Scheme, the capacity for an access lane (ROW) is 300 vehicles per day (with 30 vehicles in the peak hour), where the access lane provides two way traffic (i.e. 5.5m width). A single lane right of way can easily accommodate 30 vehicles per hour, and this is not considered likely to cause adverse effect for the operation of a ROW.

Applicants are to provide a traffic assessment of the ROW where the cumulative effect of the development is likely to result in a peak hour traffic movement generation of 30 vehicles or more.

The cumulative traffic generation along a ROW is to be calculated based on traffic generated by:

- existing ROW users;
- any other planning applications lodged/approved along the ROW; and
- the proposed development.

Traffic Assessments must take into consideration the width of the ROW, and opportunities for passing areas in the assessment of satisfactory access.

7.1.3 Setbacks and Widening

Where an existing ROW does not provide the necessary dimensions or configuration to ensure the safe and efficient operation of the ROW taking into account the impact of a proposed use or development and all necessary access arrangements, additional land may be required to guarantee the safe and efficient operation of the ROW.

Unless otherwise agreed with Council, where an existing ROW is less than 5.5m wide, a proposed use or development may include:

- A widening of the ROW along the entire property length to accommodate a total ROW width along the property boundary of 5.5m. (i.e. for a 3.0m ROW the development must vest a depth of 2.5m from the interfacing boundary to result in widening of the ROW to a total width of 5.5m).

- The widened section of land is to be marked as R1 and be transferred to or be vested in Council (in order to be subsequently maintained and managed by Council) during subdivision approval stage.
The area to be maintained and managed by Council must not be used for car parking, but will be able to be used for passing on the ROW.

The area to be maintained and managed by Council must maintain a surface level consistent with that of the existing ROW.

Diagram 2: Setback for passing resulting in total width of 5.5m

7.1.4 Pedestrian Considerations

Pedestrian considerations relate to safety (both limited passive surveillance and interaction with vehicles) and comfortable passage.

For pedestrians, access directly from the property to the street is preferred. Where direct street access for pedestrians cannot be achieved:

- Applications will be discouraged for properties further than 30 m from the nearest street.

- To ensure that passive surveillance from the street can be achieved for pedestrians walking along the ROW, applications will be discouraged which seek to make use of ROWs without a direct line of sight through the entire ROW for primary pedestrian access.

- The surface of the ROW must be DDA compliant from the property access to the closest street footpath. Where the ROW is not in a DDA compliant condition and there is no primary pedestrian access to the street, upgrading of the ROW is required to enable a smooth, sealed and suitably drained surface walking, cycling, delivery of waste bins to the street, as well as postal services from the portion of the ROW abutting the development to the closest trafficable street. As the Planning Scheme requires satisfactory access to the road network, all works must be at the cost of the applicant undertaken in accordance with Council specifications and to the satisfaction of the Council.
Where the R.O.W is constructed of Bluestone and is rated fair and poor condition, the ROW is to be repaired to good condition to the satisfaction of the responsible authority.

7.1.5 Parking

- Parking of vehicles on a ROW must not obstruct the passage of vehicles or pedestrians using the ROW at any time.

- Where a ROW has a width that accommodates passing area and car parking, the parking must be arranged so that the through lanes are located at the centre of the ROW and do not impact the comfortable access of properties on either side of the ROW. Refer to Diagram 3.

![Diagram 3: Right of Way parking arrangements](image)

7.1.6 Construction Management Plans

- A Construction Management Plan will be required for development sites abutting ROWs, to ensure access is not adversely affected during construction and the condition of the ROW is preserved.

- The Construction Management Plan must be in accordance with MVCC Construction Management Plan Guidelines.

- Where it is proposed construction vehicles will make use of ROWs, it must be demonstrated to Council that such access can be accommodated within the

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ROW without any risk to the safety of other users, the reasonable efficient use of the ROW or to the structural integrity or condition of the ROW.

- The Construction Management Plan must include a requirement that parking of vehicles during construction must not obstruct the passage of vehicles or pedestrians using the ROW. All proposed access and parking arrangements during construction must be detailed in the Construction Management Plan.

7.2 ROW Surface

The planning scheme requires developments have satisfactory access to the road network. Accordingly, any works required to bring the ROW surface to a suitable standard must be at the full cost of the applicant undertaken in accordance with Council’s specifications and to the satisfaction of the Council. This section addresses the potential requirement for construction and drainage of a ROW for developments that have primary vehicle access via a ROW.

7.2.1 Unconstructed ROW surface

Where the ROW is not constructed or not currently maintained by Council, the following considerations must be assessed by Council to determine the suitability of increased traffic movements:

- the trafficable condition of the unconstructed surface in terms of dust and noise (from rutting & loose gravel); and
- drainage.

If Council determines the condition of the unconstructed ROW is not suitable for additional traffic, Council may require the ROW be constructed and drained in accordance with Council’s specifications to the satisfaction of Council at the full cost of the applicant.

7.2.2 Constructed ROW Surface

For ROWs constructed and maintained by Council, the condition of the ROW will be taken into consideration in determining the appropriateness of development applications. Council will determine the suitability of increased traffic movements based on the trafficable condition of the road and drainage.

- Where the ROW is assessed by Council to be ‘fair’ or ‘poor’ condition: Council will determine the extent of works required to enable a smooth sealed and drained standard along the portion of the ROW abutting the development property, and to the closest trafficable road.
- Where the ROW is assessed by Council to be in generally good condition, but with some poor surface sections between the subject property and closest road, Council may require works to repair or reinstate sections of the ROW to a standard required by Council to the satisfaction of Council.
- To maintain existing character, the preference for reconstructing ROWs is either to replace existing (for ROWs currently concreted or paved in bluestone
pitchers), or if an alternative treatment is proposed, approval is required by Council's Strategic Planning Team to ensure an acceptable replacement treatment.

- Where a proposed use or development will significantly change the use of the ROW, Council may require works to accommodate the additional loads expected on the ROW as a result of the proposal. Such works are to be constructed to Council's specifications to the satisfaction of Council at the cost of the applicant.

7.3 Surface Type & Heritage Preservation

Bluestone pitchers are an important part of the historic fabric of Moonee Valley and enhance the appreciation of the areas and the buildings. These bluestone elements are to be preserved and maintained to prevent deterioration whenever possible. Where bluestone surface, kerb and/or channels are present in the ROW and reconstruction is required, the following principles should be followed:

- In Heritage Overlay areas: Where required, the renewal of bluestone ROW must be re-constructed in bluestone in accordance with Council's specifications to the satisfaction of Council at the cost of the applicant.

- For ROWs located adjacent to or proximate to heritage areas: A review of the identified heritage values is required in consultation with Council's City Planning Team to determine if the ROW contributes to the significance of these areas. If deemed appropriate by Council, the ROW must be re-constructed to the satisfaction of the Council at the cost of the applicant.

- For developments not located in (or proximate to) a Heritage Overlay area: It is generally desirable to retain the bluestone pitched surface or elements thereof (i.e. bluestone invert channel). Consultation with Council's City Planning Team is required to determine the most appropriate treatment for reconstruction.

- If a new access point is created along a bluestone ROW, the new kerb and channel must adhere to Moonee Valley's Engineering Services Special Bluestone Residential Vehicular Crossing detail.

- Where the ROW will provide primary pedestrian access, the ROW must be re-constructed in a SDA compliant manner (i.e. sawn bluestone) that takes into consideration the smoothness required.

7.4 Utility Services Provision

- The applicant will be responsible for all costs associated with the provision of water, gas, electricity and communications utilities to the development. Any works required to dig up the ROW surface treatment must be reinstated to Council satisfaction.

- Where possible, all essential services (power, water, sewer, storm water, gas and telecommunication) must be provided in the street and not the ROW.
7.5 Lighting

- Where lighting is considered within a ROW, this must be done in accordance with the Moonee Valley Public Lighting Guidelines 2016.

7.6 Fire Access and Emergency Services

- Proposed developments must comply with the requirements set out in the ‘Planning Guidelines for Emergency Vehicle Access and Minimum Water Supplies within the Metropolitan Fire District’ (8 October 2014) and to the satisfaction of the Melbourne Metropolitan Fire Brigade as follows:

  In the event that sole access to a property is to be provided along a ROW less than 3.5m in width, which does not permit the access of a fire appliance, then no developments will be permitted where the distance is greater than 70m to the allotment centroid with a fire hydrant provided within 20m of the start of the narrow road.

- The smooth passage for ambulances will be taken into consideration when assessing the suitability of the existing surface of ROW access to developments.

7.7 Loading and Waste Collection

- As part of the approval for any development abutting a ROW, a waste management plan must be provided to the satisfaction of Council.

- Waste service for properties that front a ROW must be undertaken by the use of bins located at the closest adjacent road, or for larger developments via on-site private waste collection services.

- Where waste service for properties seek to wheel bins to the closest adjacent road, the smooth passage for bins will be taken into consideration when assessing the suitability of the existing surface of ROW access to developments.

- Loading and/or waste collection vehicles are not permitted to obstruct passage of other vehicles on the ROW at any time including when carrying out loading, unloading, waste collection or related functions.

7.8 Address and Naming ROWs

- Each dwelling and commercial development must have an appropriate address for services such as Police, Ambulance, SES, Fire Brigade, and where required, Australia Post.

- Naming and numbering of ROWs will be considered when a property cannot be numbered to an existing road. The naming of a ROW shall be carried out in accordance with the Moonee Valley Place Naming Policy (2010).

7.9 Road Discontinuance and Sale of Land
8. Application Requirements

Unless otherwise agreed with Council, all proposals seeking to rely on an abutting ROW to provide vehicle access in association with a proposed use or development of land must be accompanied by:

- swept path diagrams prepared by a suitably qualified expert demonstrating that sufficient space is provided for vehicles to exit and enter the property to and from the abutting ROW in a forward direction in a safe and efficient manner. Where applicable, the swept path diagrams must be provided for service vehicles.

- a traffic assessment prepared in accordance with the guidance of Section 7.1.2.

9. Consultation

In developing this policy the following departments were consulted:

- Technical Services
- Statutory Planning
- City Planning
- Building, Health and Property Services
- Infrastructure Services
- Operations Delivery
- Governance

10. Related Documents

Essential
Moonee Valley Typical Road Construction Drawings:

Vehicle Crossing Location Approval application form:

Moonee Valley Subdivision Planning guide and checklist

General
Relevant Council strategies that provide further guidance include:

- Moonee Valley Planning Scheme
- MV2040 Strategy (2018)

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<td>Leanne Wilson</td>
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Moonee Valley Road Management Plan, 2013
Activity Centre Structure Plans
Walking and Cycling Strategy 2012
Road Safety Plan 2016
Municipal Parking Strategy 2011
Diversity, Access and Equity Policy 2014
Moonee Valley Place Naming Policy 2010
Road Discontinuance and Sale of Land 2013
Moonee Valley Public Lighting Guidelines 2016
Construction Management Plan Guidelines (Draft 2016)