



# ***RIGHTS OF WAY STUDY***

**JUNE 2007**



**PREPARED BY  
CITY OF BAYSWATER  
DEVELOPMENT SERVICES**



## **1.0 INTRODUCTION**

The City of Bayswater has 101 rights of way within its municipal area which are the subject of this study. These rights of way vary in terms of land tenure, levels of use and their state of development. In recent years the City has experienced significant infill development and rights of way are now more commonly used as a means of access to new dwellings and parking areas.

With increasing development pressure on the land adjoining the rights of way, consideration needs to be given to the future use and development of these laneways to ensure a high standard of residential amenity within the City of Bayswater. This includes land tenure and the means for upgrading the rights of way to ensure good urban design outcomes and attractive streetscapes.

This study provides a strategic approach to future use, tenure and management of rights of way. The study also allows for improved customer service by way of clarity to the community and developers on the Council's focus as well as development standards as it relates to rights of way. As Council's directions are formulated and policy approaches agreed upon, more consistent advice may be provided to the City's customers and ultimately result in a more equitable solution for the use and development of rights of way for all adjoining landowners.

This study considers the following matters:

- An audit of the current status of all rights of way;
- Identification of the opportunities and constraints for utilising the rights of way as access for infill development;
- The various forms of land tenure and provides a recommendation on the most appropriate method to enable use of the right-of-ways;
- The options available for achieving the upgrading of those rights of way needing works and associated funding arrangements.
- The need for policies that address upgrading standards for rights of way and development controls provisions for development adjoining rights of way.
- Recommendations for progressing use, upgrading and development of the rights of way.
- Identifies potential budget implications.

The study deals with use of rights of way, land tenure, widening, upgrading including budget considerations, urban design.



## **1.1 Principles for the Use of Rights of Way**

Originally, rights of way were generally created around the turn of the century to facilitate sanitary collections from the rear of properties prior to the installation of reticulated sewerage. Today, these rights of way 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 rights of way as a means of access to infill development as a preference to the traditional battleaxe form of development where rights of way exist. This is on the basis that the use of rights of way provides a superior living environment whereby houses face streets or laneways, rather than enclosed in backyards.

There are a number of benefits for utilising rights of way 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 character protection areas or in areas where the original streetscape is intact.

The creation of a streetscape within a right of way not only improves the appearance of these access ways, but provides the opportunity for surveillance of these areas to discourage anti-social behaviour.



Whilst the use of a right of way as the means for primary access is a preferred form of development compared to the battleaxe configuration, basic standards of construction should be achieved to allow for vehicle manoeuvrability and pedestrian access. It is important to ensure that residential areas are planned in an orderly and proper manner and that the security and amenity of its local areas are maintained for all residents.

Underutilised rights of way can create problems for adjoining residents, as they are often places for anti-social behaviour and rubbish dumping. To this effect, a proactive approach towards the use and development of rights of way will assist in the creation a superior residential environment. This will allow the promotion of the City's residential areas as a desirable place to live and work.

## 2.0 LAND TENURE

The City's rights of way can be classed into three land tenure groups being:

- i) Crown land;
- ii) Owned in fee simple by the City of Bayswater; and
- iii) Owned privately by another landholder.

The tenure of the land impacts on the capacity to use the right of way as a means of access to adjoining lots and the City's ability to do works on the access way.

The impact of the current forms of land tenure and the processes for modifying current land tenure arrangements are discussed below.

### 2.1 Crown Owned Rights of Way

There are 35 rights of way in the ownership of the Crown or other State Government agency within the City.

When a right of way is owned by the Crown it is considered to be a public right of way and there are no restrictions on the use of this land by the adjoining owners or on Council undertaking works on the land. It is noted that where a public right of way is owned by or vested in a State Government agency, any action on these land parcels must occur in consultation with the relevant authority.

In most cases, the City is responsible for the maintenance and development of Crown Land which is used for the purpose of a right of way.

## 2.2 Rights of Way owned by City of Bayswater

There are 43 rights of way in the City's ownership. For the purposes of the Land Administration Act 1997, rights of way owned in fee simple by the City are considered to be private roads. This form of land tenure does not restrict either the works that may occur on the land or the use of the land by adjoining landowners.

The Council is responsible for the care control and maintenance of these rights of way.



## 2.3 Privately Owned Rights of Way

A total of 35 rights of way are in private ownership, many of which may remain in the tenure of the original owners' or subdividers' of the land. It is possible that many of the private landowners are deceased or are defunct companies.

The adjoining landowners are likely to have legal rights to utilise these rights of way through a section 167A easement. In some circumstances, abutting lots may not have a section 167A easement; however the adjoining owners may still have rights to use the right of way under Common Law.

Those rights of way held in fee simple by non-government owners do create some complications for the Council in considering the use of the rights of way, the adjoining development and the potential for the City to undertake upgrading and maintenance. As there is no onus on the landowner to upgrade or construct the right of way, they are likely to remain undeveloped and/or poorly maintained.

In general terms the City has no legal or statutory obligation to ensure that privately owned rights of way are developed and maintained. Notwithstanding this, it is considered to be in the best interests of the community that the City assumes some level of responsibility to ensure that these access ways are utilised for their best use and are adequately developed and maintained.

## 2.4 Processes for Acquisition

Where a rights of way is in private ownership, the City has two options for assuming the care and control of the land, being:

- Acquisition of the land as Crown land; or
- Acquisition of the land through the standard Transfer of Land process.

### 2.4.1 Acquisition as Crown Land

The acquisition of freehold land as Crown land is dealt with under Section 52 of the *Land Administration Act 1997* (LAA) where the land is being used for a 'public purpose' or a private road. These requests are made to the Minister for Land Information and processed by the Department for Planning and Infrastructure (State Land Services). The detailed procedures for the acquisition of land as Crown Land, as set by the DPI are contained in **Appendix 2**.

The LAA requires that the approval of the Western Australian Planning Commission is obtained prior to consideration by the Minister.

The LAA exempts the acquisition processes from any claims for compensation where it is for the purposes of creating a right of way or public road.

#### **2.4.2 Acquisition by Negotiation with Landowner**

In addition to the processes covered by the Land Administration Act, the City also has the option to negotiate with the owners of private rights of way for the purchase of the land for a “peppercorn” payment where they still exist. The transfer of the land would then occur through the standard land purchasing procedure. It may be in the owner’s benefit for the Council to assume the control and management of the right of way as the City would then assume control of maintenance works on the land.

### **2.5 Dedication of Rights of Way**

Once a rights of way is in public ownership (City or Crown) the City is able to consider the dedication of the ROW. Once dedicated the rights of way will have the same status and function as a public road. The *Land Administration Act 1997* has provisions for the dedication of a private right of way as a public road (Section 56).

Once dedicated, the rights of way becomes a street and is able to provide the normal services of a street, including public utilities, access for emergency vehicles, postal services, refuse collection and street naming / numbering. This will impact on the City in terms of its road maintenance program and the administrative duties in terms of street naming, numbering and policy control.

The Western Australian Planning Commission’s Policy and Guidelines state that they will not support proposals to dedicate rights of way with a width of less than 5.0 metres. However, further advice from the Commission indicates that where a strategic and policy approach is in place to achieve widening, dedication of private rights of way less than 5.0m may be supported. This approach would require that any widening which is ceded at the time of subdivision or development would be of the same land tenure as the right of way, assisting with the future amalgamation of all lots into one land parcel.

It is considered that dedication of the City’s private rights of way will create the best outcome in terms of the future use of the rights of way, upgrading of the rights of way and will facilitate residential development which orientates to the right of way in terms streetscape.

New development should be encouraged to orientate towards the right of way and this assists with creating a residential environment, enhancing the amenity of the area and improving security with increased surveillance of the land.

## **2.7 Closure of a Rights of Way**

Rights of way that are not constructed and do not have any surveillance or lighting can potentially create problems for adjoining landowners in terms of anti-social behaviour, rubbish dumping and vandalism. They may also create potential health and fire hazards, and affect the amenity of the adjoining areas. In the circumstances where there is no intention or capacity to develop the right of way as an access lane, it is possible to consider the closure of the rights of way and the amalgamation of the resultant land into the adjoining lots.

The Western Australian Planning Commission and the Department of Land Information have a procedure for the closure of roads and right of ways. Prior to initiating the closure procedure however, it is essential that the City determine that the adjoining owners are in support of the closure. A closed right of way must then be subdivided and sold to the adjoining landowners as the Department of Land Information is not willing to support the creation of alienated land (i.e. land without legal road access). This may require the unanimous support of all adjoining landowners or, where an owner objects to the closure, the capacity to dispose of the land adjoining their lot to an alternative owner. The procedure for closure of a road or right of way is contained in **Appendix 2**.

## **2.8 Tenure of Ceded Land**

As development occurs, widening of many of the rights of way will be sought. To simplify the administration of the separate land parcels, it would be preferable that all land within a right of way was Crown land including the ceded portion. This aspect is further discussed in section 3.0 which deals with the widening of rights of way in more detail.



### **3.0 WIDENING OF RIGHTS OF WAY**

Rights of way were not designed to carry frequent vehicular traffic and many of the rights of way within the City are narrower than 6.0 metres. Where rights of way are of a narrow width and used as a means of accessing the adjoining properties it may result in problems relating to vehicle manoeuvrability, property damage and pedestrian safety. This section discusses the issue of widening the City's rights of way.

#### **3.1 Process of Widening**

The process of widening rights of way has caused some concern amongst a number of adjoining landowners. The perception is that the City intends to 'take' the adjoining owners land from them without compensation or payment of relocation costs for fencing and structures.

It is not the intention of the City to compulsorily acquire the land for widening. Presently the City requires the widening of rights of way adjacent to a particular lot to occur at subdivision or infill development stage. This study does not propose to alter this current practice, which is consistent with State Government Policy.

The widening of rights of way is best considered as a cost of development to occur at the point of subdivision or development. The rights of way widening is a similar requirement to the 6.0m by 6.0m truncation provided at the point of subdivision for corner lots. Landowners who choose not to develop or subdivide their land will not be required to provide a widening.

### **3.2 State Government Planning Direction**

Minimum standards for rights of way widths and development requirements adjoining rights of way is set out in the West Australian Planning Commissions Development Control Policy No 2.6 which deals with residential road planning and in the WAPC's Planning Bulletin No 33 - Guidelines for development adjoining rights of way in established areas. The development control policy and associated guidelines are created under State Planning Policy No 1 (*Planning and Development Act 2005*). Under the planning act the Council must have due regard to state planning policies in the decision making process.

#### **3.3 DC Policy 2.6 - Residential Road Planning**

The Western Australian Planning Commission's Policy DC 2.6, requires a rights of way to be a minimum width of 6.0 metres to enable 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 allows sufficient width for servicing (lighting and utilities), service access for rubbish collection and for vehicles to pass safely whilst providing space for pedestrian movement.

### **3.4 Guidelines for Development off ROW**

The Commission's Planning Bulletin No 33 (July 1999) provides guidelines for development adjoining rights of way in established areas including recommended widths.

The Commission recognises that vehicles can pass safely, at low speed, rights of way which are 5.0m wide. This situation is considered to be acceptable where the rights of way provides access to garages only and is not the main frontage and/or pedestrian access to the development. In these circumstances, a pedestrian access leg to the primary street must be provided to allow an alternative pedestrian access to the development. Garages / carports accessed by the rights of way must be setback to achieve the necessary turning circle of 6.0 metres.

To overcome the need for pedestrian access legs and to elevate the status of rights of way to a dedicated road, the rights of way are required to be a minimum width of 6.0m as required by DC policy 2.6. A 6.0m rights of way provides for both pedestrian and vehicular access, service access (for example: refuse collection, mail, fire and emergency) and public utility servicing.

The Commission's Planning Bulletin No 33 states that proposals to dedicate rights of way with a width of less than 5.0 metres will not be supported. However, the Commission has advised that where a strategic and policy approach is in place to achieve the widening of these rights of way, the dedication of the under-width road may be supported.

The Commission's Planning Bulletin No 33 also states that where particular constraints preclude the widening of a right of

way for residential developments, a number of alternative design solutions may be acceptable, including limiting traffic movement to a one-way operation or providing one lane sections of rights of way with wider sections for vehicles to pass at appropriate locations. With regard to the latter option, this provides weight to the argument that widening of all rights of way should be sought wherever possible, even if the widening will not be achieved over the whole length of the lane, in order to provide opportunities for vehicle passing.

### **3.5 Widening to 6.0m**

It is recommended that the City take a broad based approach to the widening of rights of way and aim to achieve a width of 6.0 metres wherever the right of way is to be used as a means of primary access to the adjoining lots and infill development.

6.0m wide rights of way provide for a superior residential environment where new streetscapes can be provided with dwellings directly addressing the rights of way rather than turning their back to them. This frontage also provides for passive surveillance of the rights of way thereby reducing the potential for antisocial behaviour.

Accordingly, those rights of way that currently have a width of less than 6.0 metres and are likely to be used as a means of primary access to adjoining lots are recommended to be widened at development or subdivision stage.

## 4.0 UPGRADING OF RIGHTS OF WAY

Undeveloped rights of way may restrict the use of the land as a means of access to existing sites and potential infill development adjoining the right of way. They may also create problems relating to the dumping of rubbish and provide an opportunity for anti-social behaviour and vandalism.

Whilst a number of the City's rights of way that are currently not constructed, are in a poor condition or do not achieve the minimum width to encourage infill development, many are being used as a means of access to some of the adjoining residential land. More importantly, many have the capacity to be developed as a minor streetscape.

Rights of way that have been constructed in the past will be maintained through the annual road maintenance budget.

Local Government has the ability to enable rights of way that are currently used by the community, or likely to be used in the future, to be adequately developed, upgraded and maintained, regardless of their land tenure status. This is not to infer that the Council is responsible in all circumstances for the full cost of upgrading works. For example, the Council has the option of requiring works to be completed by adjoining owners at the time of subdivision, or seeking an appropriate financial contribution, such that the local authority does not have to bear the full cost of developing a right of way.

## 4.1 Upgrading Works

There are a number of options for achieving the upgrading of rights of way, either public or private.

In identifying the upgrading options for the City, other metropolitan local authority right of way policies and implementation programs (use and construction) were reviewed. Details of the nine (9) local authorities are contained in **Appendix 3**. Most of the surveyed Councils use a combination of upgrading options, including Council budget allocations for works and developer contributions at subdivision or development stages, to achieve construction and upgrading of their rights of way.

The possible options for achieving the upgrading of rights of way are detailed below and an opportunities and constraints analysis of each option is contained in **Figure 2**.

### 4.1.1 Option 1

**Council to assume full responsibility for works.** In this scenario, Council would assume full responsibility for all works and funding associated with the upgrading of those rights of way identified as requiring construction or maintenance.

#### 4.1.2 Option 2

**Council seeks up-front payment from landowners and completes works once all monies are received.** The Council would seek the agreement of all adjoining landowners to upgrade the right of way, with each landowner paying the costs of the upgrading up front. In this circumstance, the Council would provide a specific period in which to make payment and seek to collect all monies prior to commencing work.

The City has most recently attempted to use this option in the redevelopment of the parking areas adjoining the rights of way within the Maylands Business Precinct. Despite most adjoining landowners supporting the proposed works, it has not been possible to gain unanimous support for the cost sharing option. As such, the project has not proceeded. However, it is noted that the Council could enforce contribution by utilising a service charge and instigate this process through the budget.

#### 4.1.3 Option 3

**Council uses a Loan and Deed System.** Council may wish to take out a loan for a fixed term to undertake the construction works, with the landowners paying back the debt over the term of the loan. Each affected landowner would enter into an agreement with the City outlining the method of payment, the term of the loan and who is responsible for the debt if the property is sold prior to full repayment. This method would require the drafting of a legally binding deed and the lodging of caveats by the Council to protect their interest. This would affect future dealings on the land, such as property transfers and mortgages. There are also costs associated with lodging

the caveat and the drafting of the deed. An example of this is the mechanism used for the Moojebing / Jacqueline Street Building Ban project.

This method requires that all affected landowners agree to and are willing to enter into the deed with Council. In similar situations, the City has had difficulty in achieving unanimous support between all landowners. This will be further complicated by the potential number of landowners affected by the upgrading of the rights of way. Similar to Option 2, without the unanimous support of all owners, this method will be impossible to implement.

#### 4.1.4 Option 4

**Council undertakes works and seeks payment from landowners at subdivision/ development stages.** The Council undertakes the works on behalf of the landowners and as infill development occurs, adjoining landowners are required to pay a pro-rata contribution equivalent to half the width of the adjoining right of way for the length of the property. This payment would be based on the actual cost for construction per square metre and this figure could be revised annually to accommodate cost variances, indexed to CPI.

It is considered a fair and equitable option for all landowners, as only those owners benefiting from the construction of the right of way will pay for the works. Further, it is a viable means of recouping the cost of the works through the subdivision or development process.

However, this option presumes that Council has the funds available for the construction works, with reimbursements occurring as land develops. It is noted that it may not be possible for the City to recoup the costs in its entirety as every property may not develop. However, this shortfall could be viewed against the additional rates income that would arise from infill development. This option means that Council must bear portion of the cost of constructing the right of way.

#### **4.1.5 Option 5**

**Apply a specified area rating to all abutting properties.**

Under Section 6.37 of the Local Government Act 1995, the Council may impose a specified area rate on rateable land within a portion of the district for the purpose of meeting the cost of the provision of a specific work service or facility. The specified area rating could be applied to all properties abutting the rights of way to raise the funds for the construction works. In this scenario, Council would first take a loan for the works and the specified area rate income would be used to repay the loan.

This option has some disadvantages. The specified area rate is applied such that the cost of works is proportioned according to the gross rental value of a property and does not relate to the proportion of the work costs associated with the land. As such, landowners of properties with a higher gross rental value will pay more for the works than owners of properties with a lower gross rental value, yet may not receive a similar proportion of benefit from the works i.e. They pay more and yet get the same value from the works than owners paying less for those works.

#### **4.1.6 Option 6**

**No Council action - landowners to seal individual portions.**

In this option, the Council does not have any direct involvement with the construction of rights of way. As owners develop or subdivide their properties, a condition would be imposed requiring that the owner seal and drain that portion of the right of way abutting their property. It is likely that the owner would be required to construct the whole width of the right of way abutting their property. Should the other adjoining owner wish to utilise the constructed right of way also, the sharing of the costs would then be a matter to be determined between the individual landowners as a civil matter.

This option has the advantage of not requiring any Council expenditure and it is relatively simple to manage, as it may be easily imposed through the subdivision or development process. However, it can create the scenario where portion of a right of way is constructed, while the surrounding portions are left undeveloped and possibly in a poor condition. In the case of infill development it rarely occurs that landowners closest to the constructed road develop prior to the adjoining owners, allowing a flow-on effect to all neighbouring properties and the progressive construction of the right of way. This option may also take many years until such time as the right of way is constructed in its entirety. Development or upgrading within this scenario, whilst achieving the construction of the right of way in the long term, may result in a lower quality product due to the piecemeal construction of the lane.



Should Council decide to utilise this option involving construction of the right of way by individual owners, it may be desirable for the Council to provide longitudinal grade lines, cross section levels and specifications for construction. This will ensure a consistency in the standards of construction and overcome some of the technical difficulties in developing the right of way.

#### **4.1.7 Option 7**

**No Council action - landowners to seal to nearest street.**

Option 7 would require the developer to construct to portion of rights of way adjacent to their property as per option 6 and continue this construction of the rights of way to the nearest constructed road.

This can be costly for the developer and is not considered to be fair and equitable. If the right of way was constructed from mid block to the nearest street, those adjoining owners abutting the right of way situated closer to the street would benefit from the construction of the right of way without having to make payment for the works. The costs of constructing the right of way may make redevelopment financially undesirable for many landowners and may have the effect of discouraging infill development.

As per Option 6, it may be desirable for the Council to provide longitudinal grade lines, cross section levels and specifications for construction. This will ensure consistency in the standards of construction and overcome any technical difficulties in developing the right of way.

**Figure 2**

## OPPORTUNITIES AND CONSTRAINTS FOR UPGRADING OPTIONS

NO	OPTION	OPPORTUNITIES AND BENEFITS	CONSTRAINTS AND DISADVANTAGES
1	Assume full responsibility for works	<ul style="list-style-type: none"> <li>As this option will first require the dedication or acquisition of the land, all ROW will be under the control of the Council</li> <li>Works are generally completed in a short period of time and in a coordinated manner, with a better finished product</li> </ul>	<ul style="list-style-type: none"> <li>This will be an expense to the Council and would be a substantial undertaking in terms of capital works required</li> </ul>
2	Up-front payment and complete works once all monies are received	<ul style="list-style-type: none"> <li>There would be no expense, in terms of capital works, to the Council</li> <li>Works are generally completed in a short period of time and in a coordinated manner</li> </ul>	<ul style="list-style-type: none"> <li>This option requires the unanimous support of all landowners adjoining ROW, which may be difficult to achieve</li> <li>There is significant administration involved in coordinating the landowners</li> <li>As all landowners adjoining the ROW will be required to share in costs, some landowners may pay for works that they may not gain any benefit from</li> </ul>
3	Loan and Deed System to undertake works	<ul style="list-style-type: none"> <li>There would be no expense, in terms of capital works, to the Council</li> <li>There is the capacity to pass on the administrative and legal expenses to the landowners via the deed</li> <li>Works are generally completed in a short period of time and in a coordinated manner</li> </ul>	<ul style="list-style-type: none"> <li>There would be legal expenses associated with drafting of deed and lodging of caveats</li> <li>This method requires that all landowners agree to and are willing to enter into the deed with Council, which may be difficult to achieve</li> <li>As all landowners adjoining the ROW will be required to share in costs, some landowners may pay for works that they may not gain any benefit from</li> <li>This option will require significant administration efforts</li> </ul>

NO	OPTION	OPPORTUNITIES AND BENEFITS	CONSTRAINTS AND DISADVANTAGES
4	Undertakes the works and seek payment at subdivision / development stages	<ul style="list-style-type: none"> <li>Works are generally completed in a coordinated manner, though possibly over a longer period of time</li> <li>Only those landowners receiving a direct benefit from the works are contributing to the cost of those works</li> <li>It is considered to be a fair and equitable option for recouping the cost of works through the subdivision and development process</li> </ul>	<ul style="list-style-type: none"> <li>Council is required to initially fund the cost of the works</li> <li>Council may not recoup the full amount of the cost of the works, as there is no guarantee that all landowners will subdivide/develop their land</li> <li>The recoup of monies are likely to occur over a long period of time</li> </ul>
5	Council loan and apply Specified Area Rating	<ul style="list-style-type: none"> <li>Works would be completed in a coordinated manner, though possibly over a longer period of time</li> <li>There would be no actual expense, in terms of capital works, to the Council, though the loan would be the responsibility of the Council</li> </ul>	<ul style="list-style-type: none"> <li>Specified area rating is apportioned according to gross rental value, as opposed to the proportion of work costs associated with the land - as such, landowners with a higher gross rental value will pay more for works, yet may not receive a similar proportion of benefit from the works</li> <li>The option has significant administrative requirements to implement and manage appropriately</li> </ul>
6	No Council action - landowners to seal individual portions at the time of subdivision or development (or at their own request)	<ul style="list-style-type: none"> <li>No requirements for Council to fund physical works</li> <li>Minimal administrative tasks associated with this option</li> <li>It is fair and equitable to all landowners, as each landowner is responsible for that portion of the ROW adjoining their property</li> </ul>	<ul style="list-style-type: none"> <li>Works are undertaken in a piecemeal manner and ROW may only be constructed in parts, leaving the remainder un-constructed and possibly not trafficable</li> <li>It may take many years before the ROW is constructed in its entirety and there may be problems with the joins between each portion</li> </ul>
7	No Council action - landowners to seal and/or make trafficable to the nearest street, at the time of subdivision or development (or at their own request)	<ul style="list-style-type: none"> <li>No requirements for Council to fund any works</li> <li>Minimal administrative tasks associated with this option</li> <li>The ROW is trafficable to the users as it is constructed to the nearest street, so there is no need for users to pass through portions that are not constructed</li> </ul>	<ul style="list-style-type: none"> <li>This option is not considered to be fair and equitable to the developer, as some owners may benefit from works that occur at no expense to them</li> <li>This inequity may be partly resolved by the lesser requirement to make trafficable to the street, as this requires only basic works of grading and laying of road base. The construction to bitumen standard would be the responsibility of the adjoining owners</li> </ul>

## 4.2 Preferred Option(s)

As depicted in **Figure 2**, there is no one option to achieve the upgrading of rights of way which does not have some disadvantages or constraints. The most direct approach would be for the Council to assume full responsibility for all works, however this option would also be the most costly for the City. An alternative approach would be developer contributions at the subdivision or development stages, either through a pro-rata contribution or the sealing of the land immediately adjoining their property. All other options, while feasible, may not be achievable (i.e. coordinating landowners to agree to a Deed) or may be inequitable for adjoining landowners.

### 4.2.1 Adopted Upgrading Method

In order to overcome the shortfalls of each option, it is recommended that a combination of option 4 and 6 be used, which include:-

- a) Council allocating monies to an upgrading program and the City constructing as many of the rights of way per year as budget allocations allow; and
- b) The upgrading program be supplemented by developer contributions at the time of subdivision and development stages.
  - Where the right of way is constructed the landowners would be required to pay a pro-rata contribution;

- Where the right of way is neither constructed nor scheduled for upgrading works in the current financial year, the landowner would be required to undertake specific works.

Adopting a flexible approach would provide a balance between Council works to upgrade the City's rights of way and landowner contributions towards these works, while providing for adequate and safe access to dwellings, lots or parking areas via a right of way.

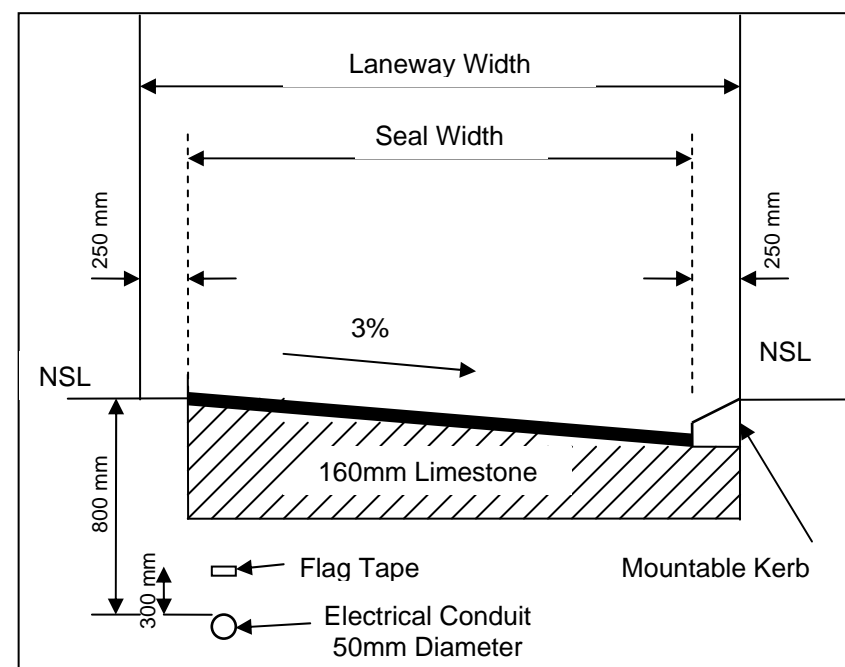


#### 4.2.2 Construction Standards and Specifications

The City's Technical Services have used standards and specifications for the construction of the City's rights of way. Many of these lanes are 4.5m wide and the following specifications have been applied:

- Pavement width shall be 4.0m located centrally over the width of the right of way;
- Sub-base material shall be clean sand and free of all organic, silty or clayey materials. Compaction shall be to a minimum of 95% modification maximum dry density in accordance with AS.1289;
- Base course shall be limestone 150mm in depth, compacted to a minimum of 95% modified maximum dry density;
- Surface course shall be 4.0m wide (based on total width of 4.5m), 40mm thick, 14mm dense graded asphaltic concrete (thick-lift);
- Carriageway shall have a -3% cross fall towards one side with greater than 0.4% longitudinal grade;
- Pavement and levels shall match into existing side boundary fence levels;
- The required volume of soak-wells shall be determined using Council's drainage specifications;
- Design and construction plans are to be submitted to Council for approval prior to any commencement of works; and
- 150mm thick concrete crossover to be constructed from the entry road to the side boundary according to Council's crossover specifications.

The above standards and specifications are recommended for all rights of way to be constructed, allowing for modifications to accommodate the varying widths of rights of way. In situations where the right of way achieves a greater width, a wider pavement will be required. It is recommended that the policy require that all rights of way comply with the standards and specifications of the City's Technical Services to allow the flexibility to deal with varying conditions of the land.





#### 4.2.3 Lighting

Where a right of way has the capacity to be utilised as a minor street, consideration has been given to the street lighting of the lane in order to provide a more secure residential environment and improve the situation for vehicle manoeuvrability. There are a number of ways to achieve the illumination of a right of way. The Council could seek a contribution from the owner / developer at the time of subdivision and the City would then install appropriate street lighting, which may include options for solar lighting if services are not available along the right of way.

Alternatively, owners could be required at the time of subdivision or development to install lighting along the right of way within their private land, connected to the power source of the individual property. As the individual owners would be responsible for maintaining the lighting, there are no guarantees that the right of way would be adequately illuminated over time. It is not considered sustainable to install lighting on private land.

Given that all rights of way will be dedicated, lighting within the rights of way will be the City's responsibility. It is recommended that this matter be further investigated, having regard to the requirements of Western Powers new draft lighting standards for rights of way. Therefore, it may be appropriate that landowners be required to make a contribution towards street lighting at the time of subdivision and development.

#### 4.3 Budgeting

As identified in the upgrading options, one of the ways to progress the use of the rights of way is by adopting a flexible approach which includes Council co-ordinating and pre-funding the works in conjunction with developer contributions. This approach would ensure that the upgrading of rights of way are co-ordinated and would enable the redevelopment of residential land in a more favourable manner.

The Council budgeted approximately \$40,000 for upgrading of rights of way which are in the ownership of the City of Bayswater. This allocation provides for the construction of only one or two rights of way per year.

Thirty six (36) of the City's 101 rights of way have been recommended for upgrading, of which thirteen (13) have been assigned a high priority. Based on the current capital works budget allocation, the construction cost of \$50 per square metre, the upgrading the high priority rights of way alone estimated at approximately \$474,475 (**Figure 3**), would take approximately 12 years to complete. It would take over 30 years to complete all the rights of way recommended for upgrading.

Alternatively, if Council increased this budget allocation the works would be completed within a lesser time period. The above upgrading estimate cost does not include the upgrading of the remaining 21 rights of ways that have been assigned medium and low priorities for scheduling of works.

**Figure 3 – Cost Estimate for High Priority Upgrading Works**

ROW ID	Location	Estimate for Upgrading Works
14	Bound by Neville, Frinton, Roberts and Leake Street, Bayswater	\$51,600
30	Off Roberts, between Murray and Whatley	\$40,000 *
37	Bound by Leake, Murray, Veitch & Whatley	\$51,900
38	Bound by Veitch, Murray, King William & Whatley	\$39,600
40	Bound by King William, Hamilton, Olfe & Whatley	\$40,950
42	Bound by Hamilton, Slade, Olfe & Whatley	\$41,200
82	Bound by Stuart, Alma, Crawford & York	\$60,525
83	Bound by Alma, Stuart, Crawford & Railway	\$74,500
101	Bound by Whatley, Rowlands, Warnes & Ninth (Maylands Business Precinct)	\$26,000 *
102	Bound by Foundry, Morrison, Guildford & Caledonian	\$60,150
103	Bound by Morrison, Foundry, Ferguson & Guildford	\$54,050
104	Bound by Holm, Ferguson, Charles & Guildford	\$63,000 *
105	Bound by Whatley, Charles, Ferguson & Holm	\$59,000 *
<b>TOTAL COST OF WORKS (not included funded works)</b>		<b>\$474,475</b>
* Funded for construction from 2006-2008 from Supplementary Roads to Recovery programme. (\$188,000)		

Rights of way which become public roads also become asset items which attract an increase in grants from the State Government for upgrading works.

Should Council resolve to expend monies on a rights of way upgrading programme, these monies would need to be in addition to and above the current road programme.

## 4.4 Resources

Pursuing a programme to upgrade rights of way may have an impact on staff resources for functions such as:

- Administrative process of closure, dedication or acquisition;
- Site surveying for levels and services
- Road and drainage design work; and
- Construction works.

Resourcing is essentially a management function, however the scale at which Council may wish to undertake this initiative may require reprioritising of human resources.

## **4.5 Policy Approach**

In order to encourage and facilitate the use of the City's rights of way, it is considered prudent that a policy be developed that addresses the following:

- The requirements for use of a right of way;
- The means for upgrading or constructing a right of way;
- Standards and specifications for constructing a right of way;
- The provision of lighting; and
- The requirements for widening of the rights of way.

It is proposed that a draft policy covering issues relating to upgrading and constructing a right of way and developer contributions will be formulated following public consultation and finalisation of the direction of upgrading. Policies that outline the City's requirements require formal adoption under the relevant Town Planning Scheme provisions to have effect.

## **5.0 DESIGN / DEVELOPMENT CONSIDERATIONS**

In order to create attractive streetscapes within rights of way, there is a need to provide a level of guidance and control on development. The mechanism to control these issues is through a policy made pursuant to the Residential Design Codes 2002. This section details issues pertaining to the development and associated use of rights of way and provides discussion on design controls for development.

### **5.1 Streetscape**

To encourage the creation of a streetscape within a right of way, it is suggested that new dwellings or lots orientate to the right of way where possible. This will prevent the situation of dwellings turning their back on the right of way which interrupts the streetscape of the right of way. It will also provide for passive surveillance of the right of way, improving security concerns that many residents have with anti-social behaviour in the rights of way. In addition, the use of rights of way in character protection or heritage areas should be encouraged to minimise the dominance of garages, carports, crossovers and parking areas on the streetscape.

## **5.2 Subdivision**

The subdivision of land to create lots which have direct frontage to a right of way is controlled by the provisions of the Western Australian Planning Commission's DC Control Manual. Policy No DC 1.1 Clause 3.5 states that new lots may only be created where each lot has or can be provided with direct frontage access to a constructed public road which is connected to the road system of the locality. Accordingly, green title or survey strata lots may only be created with sole access (pedestrian and vehicular) from a right of way, where it is considered to be a public road or will be dedicated as a public road.

As acquisition or dedication of a right of way as a public road may not always precede an application for infill development or the right of way may not be considered appropriate for dedication, access to the primary street is required to be maintained via a pedestrian access leg. This provides for access to mail, rubbish and other services. The option of a pedestrian access leg may also be utilised where the coordination of services from the right of way is difficult to achieve or services must be extended from the primary street.

The WAPC recommends a pedestrian access leg of 1.5m in width be provided, a 1.0m access leg may be approved where it provides for the retention of an existing dwelling. The use of a pedestrian access leg is only appropriate in survey strata or strata applications. Applications for green title subdivision may only be supported where the right of way is considered to be a public road and will be developed as such.

### 5.3 Residential Design Codes 2002 – Acceptable Development Provisions

The Residential Design Codes provide Acceptable Development provisions for dwellings fronting or adjoining rights of way. The criteria makes the following provisions:

- A single house or grouped dwelling, which has its main frontage to a right of way, must achieve a street setback of 2.5m or 1.5m to a porch, verandah, balcony or the equivalent;
- Garages and carports must be located behind the street setback line;
- Garages must be setback 4.5m from the primary street. This may be reduced where the garage adjoins a dwelling, provided that the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony) or setback 3m where the vehicles are parked parallel to the street alignment;
- Carports may be located within the street setback area, provided that the width of the carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right of way or equivalent;
- Garages and carports orientated to a private street or right of way, which is not the principal frontage for the dwelling, may be built to the boundary provided that there is a manoeuvring space of at least 6m in front of the opening to the garage/carport that is permanently available; and
- For buildings not orientated towards the rights of way, setbacks to boundaries other than to the primary street

may be reduced by up to half the width of the rights of way, to a maximum reduction of 2m.

The R-Codes provide the scope to prepare policies that replace the Acceptable Development Criteria of the R-Codes specifically relating to streetscape, including the setbacks of dwellings and parking areas (garages and carports). This provides an opportunity to prepare a policy relating to development abutting and orientated to rights of way. The policy may also require the endorsement of the Western Australian Planning Commission (WAPC).

Initially, in determining any setback from a right of way, it is considered that all setbacks be measured from the created boundary following any widening requirement, as many of the rights of way within the City have been nominated for widening and landowners will be required to cede land at the subdivision and development stages.

## 5.4 Vehicular Access

### 5.4.1 Primary Vehicular Access

Primary access to a single house, grouped dwellings or parking areas for single houses orientated to the right of way, is recommended only be permitted where the right of way is paved and drained. As such the right of way should be upgraded to allow the use of this land as a primary means of access.



#### **5.4.2 Secondary Access**

The use of rights of way as a means of secondary vehicle access to single residential lots should continue to be permitted without the need for proponents to undertake upgrading of the right of way, irrespective of the standard of construction of the right of way. The setback of garages and other structures, however, requires consideration of design elements, which will be discussed in the next section.

### **5.5 Setbacks**

#### **5.5.1 Residential Buildings – Primary Vehicular Access**

The acceptable development criteria of the Codes provides for a 4.5m setback of garages, which may be reduced where a garage adjoins a dwelling, provided that the garage is at least 0.5m behind the dwelling alignment. Given that dwellings may be setback a minimum of 2.5m from a right of way, this would allow a 3.0m setback from the right of way for a garage. In these circumstances, there is no capacity to accommodate visitor parking on the site. The narrow widths of rights of way generally does not provide for on-street parking.

This may not be a desirable situation and accordingly, it is recommended that a minimum setback of 4.5m to all carports and garages, for dwellings with its main frontage to the right of way, be required. This will allow a tandem bay for visitor parking to be accommodated and will assist in achieving the manoeuvrability requirements. It is also considered that the required parking for each dwelling not infringe upon the setback area.

#### **5.5.2 Garages and Carports –Secondary Vehicular Access to Front Dwellings**

With regard to the access to carports and garages fronting a right of way where the dwelling is orientated, or has access to the primary street, while there is a lesser need to consider visitor parking, adequate manoeuvrability must be achieved. The R-Codes provides that these parking areas may be built abutting a boundary provided that there is a manoeuvring space of at least 6m located immediately in front of the opening to the garage or carport.

Many of the City's rights of way do not achieve a width of 6 metres. To allow for any future widening requirements and the truncation of fencing, it is recommended that all garages and carports for dwellings orientated to the primary street be setback a minimum of 4.5m from the centreline of the right of way. This would result in garages and carports being setback 1.5metres from the rights of way boundary (after any widening). This is considered an acceptable distance to maintain vehicle manoeuvrability and safety, while creating attractive streetscapes within the right of way.

#### **5.5.3 Outbuildings and Other Structures**

As the consideration of setback requirements relates to the creation of a desirable streetscape, it is also necessary to consider the setback of outbuildings for dwellings fronting the primary street. Similar to the setback of garages and carports, it is recommended that outbuildings be setback 4m from the centreline of the right of way.

This will provide for widening of the right of way at any time in the future and will also provide opportunities to ensure that internal streetscape is maximised. This would result in an outbuilding being setback 1.0metre from the new boundary (after widening).

## **5.6 Parking – Visitor**

Where dwellings front rights of way and a pedestrian access leg is not provided there is a need to provide for visitor parking in a manner that does not impede the traffic flow along the right of way. Accordingly the setback of garages and carports at 4.5 metres and a requirement that the parking not impinge on the setback area will ensure sufficient visitor parking is provided within the newly created rights of way streetscapes.

## **5.7 Fencing**

In order to create an attractive residential environment adjoining the right of way, it is necessary to consider fencing along these lanes. Many rights of way in the City are currently long corridors bound by super six or similar sheet fencing on either side. This creates a rather unappealing streetscape and does not allow surveillance of the right of way.

The intent is for rights of way to be developed as minor streets, it is recommended that fencing requirements similar to those for a primary street be imposed. Accordingly, fencing adjoining a right of way must be visually permeable 1.2m above the natural ground level and shall be no higher than 1.8m. These requirements are in accordance with the provisions of the Residential Design Codes.

In addition, walls and fencing for dwellings orientated towards the right of way must be designed to allow adequate vehicle sight lines at access points. As such, the requirements of the R-Codes are appropriate and state that walls and fences are to be truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points, where a driveway meets a public street and where two streets intersect.

Properties that do not have direct frontage or are not orientated to the right of way will only be required to meet standard fencing provisions.

## **5.8 Policy**

In order to encourage and facilitate the use of the City's rights of way, a policy has been developed that addresses the following:

- The preferred orientation of dwellings
- The preferred use of rights of way over battleaxe development;
- The setbacks for residential buildings where primary vehicular access is proposed;
- The setbacks for carports and garages where secondary access is proposed;
- The setbacks for outbuildings;
- The requirements for visitor parking; and
- The provision of fencing.

It is proposed that a draft policy covering issues relating to upgrading and constructing a right of way will be formulated following public consultation and finalisation of the study. Policies that outline the City's requirements require formal adoption under the relevant Town Planning Scheme provisions and may require the approval of the WAPC.

## **5.9 Naming and Addressing**

Where Rights of Way are dedicated, they essentially become public streets. These streets require naming to ensure that addressing and servicing can be accommodated. It is recommended that rights of way be named and numbers allocated at the time of dedication.

New street names can be selected from the City's list of names that are on the Geographic Names Committee Reserve register for future use. Additional names may have to be sourced in the medium to long term.

## **6.0 RIGHTS OF WAY ASSESSMENT**

A site and desktop assessment of each of the City's 115 rights of way has been undertaken. The following aspects were considered:

- Current land tenure / ownership arrangements;
- Current condition and development standards;
- Usage by adjoining landowners;
- Potential for future infill development accessing the right of way; and
- Vehicle manoeuvrability and the need for widening.

## **6.1 Assessment Process**

Assessment sheets for each right of way have been prepared and are included as an appendix and are grouped by land tenure. Each right of way was inspected and assessed with a recommendation being made regarding the future use of the rights of way and the actions to be undertaken. Following public consultation and in response to submissions received, each of the rights of way has been re-inspected to confirm the present status. Where the status has changed the Assessment Sheet has been updated. Assessment sheets have also been updated in response to landowner comments.

These recommendations are outlined in the conclusions and consider:

- Whether any action is required at this time;
- The desirability of closing the right of way;
- The need for changes to current land tenure arrangements; and
- Any upgrading works that may be required.
- Future widening requirements in accordance with state government regulations.

## **6.2 Assessment analysis**

The following comments are drawn from the assessment:

- a) In terms of land ownership there are:
  - 22 rights of way in the ownership of the Crown or other State Government agency;
  - 43 rights of way owned by the City of Bayswater; and
  - 36 rights of way in private ownership, some of which are still in the tenure of the original subdividers' (early settlers) of the land.
- b) Approximately 40% of the City's rights of way adjoin residential land with the capacity for significant infill development (with a development potential of 40% or more). The development potential is represented as the percentage of lots which adjoin the rights of way and have the capacity for infill development (ie. two or more dwellings).
- c) Only 7% of the City's rights of ways currently achieve a width of 6m or greater; and
- d) Fifty-nine (59) of the City's rights of way are currently not constructed or do not exist on the ground (i.e. they form part of a park or other land use).

**Figure 1** provides analysis of the City's rights of ways. The recommendations contained within this figure are explained in the following sections.

FIGURE 1

## SUMMARY OF RIGHTS OF WAY ASSESSMENT

### Crown or State Government Owned

ROW ID	Location	Condition	Owner	% Dvp't Potential	Width (metres)	RECOMMENDATION				
						No action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widen
17	Bound by Grafton, Kitchener, Mahdi and Guildford	Part hard standing gravel, Part sandy track	Crown Land - road reserve	5%	4				M	
18	Off Dunkley Place, to the rear of 14-28 Kitchener Ave	Bitumen paved and drained	Crown Land - road reserve	17%	4.03					
19	Off Garratt Road, bound by Guildford, Garratt, Mahdi & Kitchener	Bitumen paved and drained	Crown Land - road reserve	N/A	3.44					
44	To the rear of 1014-1022 Beaufort Street, between Rosebery and Grand Promenade	Part bitumen paved and drained, part not constructed	Crown Land (DOLA)	16%	3.6					
46	Bound by Beaufort, York, Drummond & Birkett	Bitumen paved and drained	Crown land - Road Reserve	43%	3.6 - 6.1					
59A	Bound by The Strand, Arundel, Essex & May	Does not exist on the ground	Water Corporation / Unknown	25%	3.06					
63	Off Lawrence Street, between Burnside & Railway	Does not exist on the ground	Crown Land - road reserve	None	3.1					
64	Off Copley, between Lawrence & Coode	Bitumen paved and drained	Crown Land - road reserve	None	3.03 - 5.0					
71	Between Munt, Irvine & Mooney	Part hard standing gravel, part sandy, part bitumen	Crown Land - Reserve for Parking & Access	N/A	5.04					
72	Block bound by Munt, Mooney, John and Irvine Streets	Part bitumen paved, part hard standing gravel	Crown Land	N/A	5.0					

ROW ID	Location	Condition	Owner	% Dvp't Potential	Width (metres)	RECOMMENDATION				
						No action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widen
74	Bound by John, Mooney, White & Irvine	Bitumen paved and drained	Crown land - road reserve	N/A	5					
77	Between Lots 25 and 19 Slade Street	Hard standing gravel	WAWA	100%	17.5 - 23.5					
80	Block bound by Goongarrie, Katanning, River and Colwyn Roads	Part bitumen paved, part not constructed	Crown land, Whitfords P/L	N/A	2.51 - 5.03					
84	Off Kennedy St, between Marlborough & Railway	Sand and grass track	The Crown	None	2.8					
99	Bound by Eighth, Seventh, Guildford & Whatley	Bitumen paved and drained	Crown Land - road reserve	100%	3					
100	Bound by Eighth, Ninth, Guildford & Whatley	Bitumen paved and drained	Crown Land - road reserve	100%	3.0 - 6.0					
101	Bound by Whatley, Rowlands, Warnes & Ninth	Part bitumen paved, part sandy track	Crown Land - road reserve	62%	3.6 - 4.0				H	
104	Bound by Holm, Ferguson, Charles & Guildford	Part bitumen paved, part not constructed	Crown Land	86%	4.57				H	
115	Off Wellington Road, adjoining 1-5 Wellington	Bitumen paved and drained	The Crown	N/A	6.05 - 18.11					
116	Between Rothbury and Maurice, adjoining 41-49 Rothbury	Bitumen paved and drained	The Crown	N/A	6.1					
121	Between Halvorson & Vera	Part concrete paved, part vacant land	City of Bayswater and Water Authority of WA	67%	5.03 - 15.09					
128	Off Lincoln Road and McGilvray Avenue	Bitumen paved and drained	The Crown	N/A	5					

### Owned by the City of Bayswater

ROW ID	Location	Condition	% Dvp't Potential	Width (metres)	RECOMMENDATION				
					No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widening
5	Bound by Frinton, Crowther, Neville & Garratt	Bitumen paved and drained	100%	4.02					
6	Bound by Williamson, Crowther, Frinton & Garratt	Bitumen paved and drained	86%	4.02					
7	Bound by Garratt, Guildford, Crowther & Williamson	Bitumen paved and drained	93%	4.02					
8	Bound by Milne, Crowther, Frinton & Neville	Bitumen paved and drained	40%	4.02					
9	Bound by Milne, Crowther, Williamson & Frinton	Bitumen paved and drained	None	4.02					
10	Bound by Crowther, Milne, Williamson & Guildford	Bitumen paved and drained	33%	4.67					
11	Bound by Milne, Roberts, Neville & Frinton	Bitumen paved and drained	13%	4.02					
12	Bound by Milne, Roberts, Frinton & Williamson	Bitumen paved and drained	7%	4.02					
13	Bound by Roberts, Milne, Williamson & Guildford	Part bitumen paved & drained, part not constructed	38%	4.02				M	
14	Bound by Neville, Frinton, Roberts & Leake	Not constructed, drained, part hard standing gravel, part sandy track	16%	4.02				H	
15	Bound by Leake, Roberts, Williamson & Frinton	Bitumen paved and drained	7%	4.02					
22	Bound by Guildford, Garratt, Almondbury & Crowther	Bitumen paved and drained	45%	4.02					
23	Bound by Crowther, Murray & Garratt	Part bitumen paved & drained, part not constructed	11%	4.02				L	



ROW ID	Location	Condition	% Dvp't Potential	Width (metres)	RECOMMENDATION				
					No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widening
24	Adjoins Frank Drago Reserve, off Murray St & Garratt Rd	Part bitumen paved & drained, part does not exist on the ground	N/A	4.02 - 20.0					
25	Bound by Almondbury, Crowther, Milne & Garratt	Bitumen paved and drained	30%	4.02					
27	Bound by Murray, Crowther, Milne & Almondbury	Bitumen paved and drained	16%	4.02					
28	Bound by Almondbury, Milne, Roberts & Guildford	Bitumen paved and drained	14%	4.02					
29	Bound by Murray, Almondbury, Milne & Roberts	Bitumen paved and drained	None	4.02					
30	Off Roberts, between Murray and Whatley	Not constructed	100%	6.1				H	
31	Bound by Leake, Roberts, Almondbury & Guildford	Bitumen paved and drained	15%	4.02					
32	Bound by Almondbury, Roberts, Leake & Murray	Bitumen paved and drained	None	4.02 - 6.0					
33	Bound by Almondbury, Roberts, Leake & Murray	Bitumen paved and drained	None	4.02					
34	Bound by Roberts, Leake, Murray & Whatley	Bitumen paved and drained	12%	4.02 - 6.0					
45	Off Craven and Grand Promenade	Bitumen paved and drained	100%	6					
47	Between Shaftesbury Ave & Arundel St	Part bitumen in very poor condition, Part grass track	100%	4				L	
48	Bound by Whittaker, Arundel, Toowong & Shaftesbury	Part hard standing gravel, part sandy track, part concrete paving	11%	4				L	
49	Bound by Essex, Toowong, Whittaker & Shaftesbury	Constructed	25%	4					
50	Bound by Toowong, Essex, Aldwych & Shaftesbury	Not constructed, grass & sand track only	20%	4				L	

ROW ID	Location	Condition	% Dvp't Potential	Width (metres)	RECOMMENDATION				
					No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widening
51	Bound by Adelphi, Aldwych, Toowong, Shaftesbury	Part concrete paved, part sandy track	10%	4				M	
52	Bound by Toowong, Hobart, Adelphi & Shaftesbury	Maintained grass track	17%	4					
53	Bound by Hobart, Toowong, York & Shaftesbury	Not constructed - grass track	33%	4				L	
54	Bound by Railway, Arundel, Shaftesbury & The Strand	Part bitumen paved and drained, part not constructed	29%	4				L	
55	Bound by Arundel, Essex, Shaftesbury & The Strand	Bitumen paved and drained	82%	4					
56	Off Adelphi, between Shaftesbury & The Strand	Part hard standing gravel, part not constructed	80%	4.02				M	
58	Bound by Railway Parade, The Strand, Arundel & May	Bitumen paved and drained	33%	4.02					
59	Bound by The Strand, Arundel, Essex & May	Not constructed - sand and grass track	22%	4.02				L	
60	Off May Street, between Adelphi and Essex Streets	Brick paved	25%	4.02					
61	Bound by Arundel, May, Lawrence & Essex	Hard standing gravel	11%	4.02				L	
62	Off Essex Street, between May and Lawrence	Not constructed, sand and grass track	25%	4.02				L	
65	Between Winifred & Railway, to the rear of 2-8 Beechboro Rd South	Concrete paved	100%	4.01				M	
66	Bound by Foyle, Catt, Beechboro Rd South & Drake	Part bitumen paved and drained, part not constructed	75%	4.01				M	
67	Bound by Cantlebury, Foyle, Catt & Drake	Part hard standing gravel, part sandy track	89%	4.01				M	
110	Between Bishop and Progress Streets	Bitumen paved and drained	N/A	10					

## Private Ownership

ROW ID	Location	Condition	Owner	% Dvp't Potential	Width (metres)	RECOMMENDATION				
						No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widen
1	Off McGann Street, block bound by McGann, Queen, Stone Streets and Percy Road	Hard standing gravel track	S Moore	55%	4.26				L	
3	Off Adelia Street, block bound by Adelia, Elizabeth, Guildford and Garratt	Part hard standing gravel, Part sandy track	J Fleming	None	3.04				M	
4	Off Garratt Road, to the rear of 124 - 132 Garratt	Part hard standing gravel, Part sandy track	J Fleming	None	3		Part of ROW		M	
35	Off Hill St, between Murray & King William	Hard standing gravel	M Gibney	None	3.02					
36	Off Murray Street, block bound by Murray, Hill, Leake and King William Streets	Bitumen paved and drained	E Browne	71%	5 - 8.06					
37	Bound by Leake, Murray, Veitch & Whatley	Part bitumen paved & drained, part sandy track	J T Hamilton	4%	4.02				H	
38	Bound by Veitch, Murray, King William & Whatley	Part bitumen paved & drained, part hard standing gravel, part not constructed	J T Hamilton	90%	4				H	
39	Bound by King William, Olfe, Station & Hamilton	Bitumen paved and drained	T G Molly, R J D Burns & B Copley	33%	5					
40	Bound by King William, Hamilton, Olfe & Whatley	Part bitumen paved and drained, part not constructed, part brick paved	J T Hamilton	100%	4				H	
41	Bound by Hamilton, Slade, Olfe & Station	Bitumen paved and drained	T G Molly & R J D Burns & B Copley	42%	5.1					
42	Bound by Hamilton, Slade, Olfe & Whatley	Part bitumen paved and drained, part hard standing gravel and grass track	J T Hamilton	91%	4.1				H	

ROW ID	Location	Condition	Owner	% Dvp't Potential	Width (metres)	RECOMMENDATION				
						No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widen
75	Off Coode Street, between No 145 and 147	Part concrete paved, part not constructed	M & A D'Alessandro	100%	5.03					
79	Off Rosebery Street, to the rear of 62-66 Walter Road	Hard standing gravel track	G Mariotti	N/A	5.05					
82	Bound by Stuart, Alma, Crawford & York	Part bitumen paved, part sandy track, part hard standing gravel	S Copley	90%	4.5				H	
83	Bound by Alma, Stuart, Crawford & Railway	Part hard standing gravel, part brick paved, part sandy track	S Copley	85%	3 - 4.5				H	
85	Off Coode Street between 110 Coode and 26 Tenth	Hard standing gravel track	F Willshire	75%	3				L	
86	Off Coode Street, between No 65 and 67	Part brick paved, part not constructed	L Perron	67%	3				L	
87	Off Coode Street, between No 51A Coode and 101 Seventh	Hard Standing gravel track	C H Chessel	67%	3					
88	Off Seventh Ave, between 78 Seventh and 201 - 211 Railway Parade	Part bitumen paved, part not constructed - developed in conjunction with 78 Seventh Ave	Charles Geddes	100%	3.5 – 5.0					
89	Off First Ave, behind 77 - 79 Guildford	Not constructed, sand track, trafficable	M Smith	25%	2.45					
90	Off First Ave, behind 81 Guildford Road	Brick paved and drained	S E Bain	75%	5.31					
91	Between 35 and 37 Fourth Ave East, Maylands	Not constructed	C G Eddy	100%	3.04					
92	Off Conroy Street, behind 43 - 45 Central Ave	Brick paved	J Bourne & B Lilburne	None	3.01					
93	Off Deeley Street, block bound by Deeley, Conroy, Fourth Ave East and Central	Bitumen paved and drained	Gold Estates of Australia 1903	75%	5					

ROW ID	Location	Condition	Owner	% Dvp't Potential	Width (metres)	RECOMMENDATION				
						No Action	Survey for Closure	Acquire / Dedicate	Upgrade L = Low M = Med. H = High	Widen
94	Bound by Deeley, View, Fourth Ave East and Central	Not constructed, sandy track only	Gold Estates of Australia 1903	86%	5				M	
95	Off View Street, bound by View, Deeley, Central and Fourth Ave East	Bitumen paved and drained	C Murdoch	None	3.01					
96	Off View Street, bound by View, Central, Fourth Ave East and East	Not constructed, does not exist on the ground	Gold Estates of Australia 1903	None	3					
97	Off East Street, bound by Kirkham Hill Terrace, Elizabeth, East and Central	Not constructed, gate preventing access	Gold Estates of Australia 1903	None	3					
98	Between East and Elizabeth, on block bound by Central & Peninsula	Not constructed, part sandy track - trafficable, part not trafficable	A S Lee & S D Dawe	30%	3.1 - 5.03				M	
102	Bound by Foundry, Morrison, Guildford & Caledonian	Part bitumen paved and drained, part brick paved, part not constructed	M Ferguson	56%	5.03				H	
103	Bound by Morrison, Foundry, Ferguson & Guildford	Part bitumen paved and drained, part sandy track	M Ferguson	86%	5.04				H	
105	Bound by Whatley, Charles, Ferguson & Holm	Not constructed, part hard standing gravel, part sandy track	Civil Surveys Pty Ltd	89%	4.5		Part of ROW		H	
111	Between 38 and 40 Central Avenue	Not constructed	N Vidovich & M Di Biase	33%	1.1 - 3.0					
114	Off Progress Street, between No 2 and 4	Bitumen paved and drained	Morley Park Investments	N/A	9.39					
132	Bound by Moojebing, Goongarrie, Katanning & Guildford	Part not constructed, part bitumen paved	Whitfords Ltd	N/A	5.03					
133	Adjoining Norco Way	Not constructed	Samuel Moore	33%	4.26					

## 7.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are drawn from the draft study findings. These recommendations provide a co-ordinated and strategic approach to the use and condition of the rights of way within the City. The underlying reason for the findings in this study is to create high quality residential environments that will benefit the community collectively and individually.

### 7.1 Use of Right of Way

The majority of the City's rights of way provide a unique opportunity to create an environment that facilitates development whilst retaining the existing streetscape of the residential areas, accordingly it is recommended that these remain open.

**Recommendation 1:**

***That the right's of ways identified in the study as being used or capable of being used to remain open.***

The remaining rights of way that were deemed as not having sufficient use or development potential are recommended to be closed.

**Recommendation 2:**

***That the formal closure and disposal procedures be initiated for the six (6) rights of way identified in the study as not being used or suitable for development.***

## 7.2 LAND TENURE

In order to facilitate the long term use, development and maintenance of the privately owned rights of way the issue of land tenure needs to be resolved. There are twenty three (23) privately owned rights of way that are recommended for acquisition and dedication. The acquisition and dedication of these land parcels will bring the rights of way under the care and control of the City, thereby assisting the creation of a residential streetscape within the rights of way and improving the amenity of surrounding areas.

**Recommendation 3:**

***The twenty three (23) rights of way that are to remain open and are in private ownership to be acquired and dedicated in accordance with the legislative procedure.***

Forty two (42) rights of way owned by the Crown or the City of Bayswater that are identified to remain open are recommended to be dedicated.

**Recommendation 4:**

***The forty two (42) rights of way owned by the Crown and the City of Bayswater that are identified to remain open are recommended to be dedicated.***

### 7.3 Upgrading Method

The study considers a range of options to upgrade the City's rights of way, each having an associated financial implication. In order to obtain on ground outcomes it is considered appropriate that a flexible approach be used to achieve the upgrading of the City's rights of way, including:

- a) Council allocation of monies for an upgrading program;
- b) Developer contributions at the subdivision and development stage:
  - Where a right of way has been developed, it is recommended that landowners undertaking development or subdividing land be required to make a pro-rata contribution equivalent to the cost of developing a three (3) metre wide portion of right of way along the width of the lot with frontage to the right of way. These contributions will be held in a fund to offset the construction costs for works undertaken and then utilised for the implementation of the upgrading program; and
  - Where the right of way is not constructed, is not scheduled for upgrading works in the current financial year and an application for development or subdivision is under consideration, the owner be required to construct the full width of the right of way adjoining their property and make trafficable to the nearest street.

#### **Recommendation 5**

***That a combined approach towards the upgrading of rights of way within the City be adopted, consisting of:***

- ***A progressive upgrading programme based on the assigned priorities.***
- ***Developer contribution programme where:***
  - ***A right of way has been constructed, developer contributions be sought at the time of subdivision or development, equivalent to constructing a 3m wide portion of the right of way adjoining their property;***
  - ***A rights of way is neither constructed nor scheduled for upgrading works in the current financial year and an application for infill development or subdivision is under consideration, the owner be required to construct the full width of the right of way adjoining their property and make trafficable to the nearest street.***

To ensure that rights of way provide long term access to dwellings a minimum standard of construction of the right of way is considered appropriate.

#### **Recommendation 6:**

***That a minimum construction standard be provided to ensure long term vehicular access.***

To ensure that rights of way are wide enough to facilitate two way movement of vehicles, including service vehicles it is necessary for rights of way to be widened to a minimum of width of 6.0 metres.

**Recommendation 7:**

***That a right of way widening be provided from each site, on subdivision or infill development, for lots that adjoin a right of way, at no cost to the City. The widening to be transferred to the crown.***

## 7.4 Design and Development

In order to enhance residential environments and create attractive streetscapes within rights of way, policies need to be developed which addresses orientation of dwellings, setbacks for buildings, garages and outbuildings, fencing and drainage. Such a policy would require the concurrence of the WAPC and would require adoption under the Residential Design Codes.

**Recommendation 8:**

***That the issues of setbacks, parking, fencing, drainage for development abutting a right of way be addressed through policy provisions.***

## 7.5 Upgrading Priority

In considering the current state of development of the City's rights of way, recommendations have been made as to whether upgrading is necessary, based on the following:

- The current status and ownership of the right of way;
- The current use of the right of way by the adjoining lots;
- The development potential of the adjoining land and the capacity of the abutting lots to utilise the right of way as a means of primary access;
- The situation of the right of way relative to character protection or heritage areas and major roads.

More than half of the City's 116 rights of way have been recommended for upgrading works. To enable the upgrading to be undertaken in a manner which is manageable, it is necessary to assign priorities for the works, allowing the initial focus on more urgent works.

**Figure 3 – Priorities for Upgrading Works**

Ownership	HIGH	MEDIUM	LOW
<b>Crown or State Government</b>	101, 104,	17	
<b>City of Bayswater</b>	14, 30	13, 51, 56, 65, 66, 67	23, 47, 48, 50, 53, 54, 59, 61, 62
<b>Private</b>	37, 38, 40, 42, 82, 83, 102, 103, 105	3, 4, 94, 98	1, 85, 86

*NB: The numbers within each priority category are the Right of Way ID References provided on the Assessment Sheets and shown in the Summary Table contained in Figure 4.*



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**Recommendation 9:**

***That the high, medium and low priorities listed in the above table for the right of way upgrading be supported and form the basis for the programme of works.***

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## **7.6 Budgeting**

The cost of construction works within the rights of way is based on an average figure of \$50 per square metre. The upgrading of the thirteen (13) rights of way that are identified as high priority is estimated at \$474,475. The cost to upgrade the remaining rights of way has not yet been estimated.

Based on the recommended option of Council contribution to the initial design and construction with pro rata financial contributions as the sites are subdivided or developed, it is recognised that Council may never recoup all funds expended.

**Recommendation 10:**

***That funding be listed, for consideration, within the budget to upgrade the rights of way.***

## REFERENCES

- City of Bayswater, 2004, Town Planning Scheme No. 24
- City of Nedlands, 1998, Policy, Rights of Ways - Upgrading
- City of Stirling, 2000, Policy, Rights of Way - Closures
- City of Stirling, 1998, Policy, Development Abutting Rights of Way
- City of Stirling, 1998, Policy, Rights of Way – Paving and Draining by Developers
- City of Stirling, 1998, Policy, Rights of Way – Paving and Draining by Council
- Department of Land Administration, 1997, Land Administration Act 1997
- Department of Land Administration, 2001, Government Land Bulletin No. 1
- Department of Land Administration, 1998, Land Administration Regulations 1998
- Department of Land Administration, 2001, Land Titles Registration Practice Manual
- Department of Land Administration, 2001, Government Land Policy Manual. Closure of Private Roads
- Town of Cambridge, 1998, Item TS98.112 Council Meeting Minutes
- Town of Mosman Park, 2001, Policy, Subdivision and Development of Lots Adjoining Underwidth Roads
- City of South Perth, 2001, Planning Policy, Development of Land Adjoining Rights-of-Way
- City of South Perth, Undated, Infrastructure Services Guideline No. 1, Rights-of-Way Construction
- Town of Victoria Park, 2001, Item 1.3 Minutes Ordinary Council Meeting 28 August 2001
- Town of Vincent, 2000, Policy, Rights of Way – Paving and Draining of
- Town of Vincent, 2000, Policy, Rights of Way – “Dedication of”
- Town of Vincent, 1999, Policy, Rights of Way – Closure, Part Closure and Amalgamation of
- Western Australian Planning Commission, 2005, Planning and Development Act 2005
- Western Australian Planning Commission, 2006, Statement of Planning Policy No. 1, State Planning Framework Policy, Variation No. 2
- Western Australian Planning Commission, 2002, Residential Design Codes
- Western Australian Planning Commission, 1999, Planning Bulletin No. 33, Rights-of-Way or laneways in Established Areas – Guidelines
- Western Australian Planning Commission, 1998, Development control policy 2.6 Residential Road Planning

# **APPENDICES**

## **APPENDIX 1**

Assessment Sheets

## **APPENDIX 2**

Process for Dedication, Acquisition & Closure

## **APPENDIX 3**

Approach of Other Local Authorities

# **APPENDIX 1**

## **Assessment Sheets for Rights Of Way**

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#### DESCRIPTION:

<b>Location</b>	Off McGann Street, block bound by McGann, Queen, Stone Streets and Percy Road
<b>Owner</b>	S Moore
<b>Width</b>	4.26 metres
<b>Condition</b>	Hard standing gravel track
<b>Usage</b>	Provides sole access to 14 Norco Way - no vehicle access to primary street
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	696 - 1180	R17.5/25	5	55%

#### COMMENTS:

- The ROW currently provides sole access to one single residential lot only, though recent applications plan to use it as the primary means of access for infill development. The redevelopment of the ROW is required, though it is not urgent at present and the land should be acquired / dedicated as appropriate.
- Widening of the ROW has been sought as part of the recent subdivision of land adjoining the ROW, further widening from adjoining lots to be sought where possible. Five metre wide right of way will be sufficient where alternative pedestrian access is provided to the primary street.

#### RECOMMENDATION:

Acquire  
Dedicate  
Upgrade (Low)  
Widening (As per the WAPC's requirements upon subdivision or infill development)



#### DESCRIPTION:

<b>Location</b>	Off Adelia Street, block bound by Adelia, Elizabeth Streets, Guildford Road and Garratt Road
<b>Owner</b>	J Fleming
<b>Width</b>	3.04 metres
<b>Condition</b>	Part hard standing gravel, part sandy track
<b>Usage</b>	Provides rear access to 358-362 Guildford Road - ROW provides primary access to these properties
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	533 - 662	R17.5/25	None	None

#### COMMENTS:

- The ROW provides sole access to the single residential properties fronting Guildford Road. ROW must not be closed and should be scheduled for redevelopment in the medium term.
- Acquisition or dedication required so that ROW comes under the control of the City.
- Widening will be difficult to achieve given the substantial boundary fencing and built structures on the boundary of the ROW. Also, none of the adjoining lots have development potential.

#### RECOMMENDATION:

Acquire  
Dedicate  
Upgrade (Medium)



**DESCRIPTION:**

<b>Location</b>	Off Garratt Road, to the rear of 124 - 132 Garratt Road
<b>Owner</b>	J Fleming
<b>Width</b>	3.0 metres
<b>Condition</b>	Part hard standing gravel track, part sandy track
<b>Usage</b>	Secondary rear access to 105 Stone Street and 124, 126 Garratt Road
<b>Existing Infill Development</b>	Single residential only

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	479 - 699	R17.5/25	None	None

**COMMENTS:**

- There is a 0.4 metre strip of land running along the side of 105 Stone Street and the ROW. This small portion of land is owned by the same landowner (J Fleming) and appears to be an anomaly.
- There is an informal access from Stone Street to the ROW - this appears to run through Lot 103 Stone Street. ROW exists only to the rear of 126 Garratt Road. The portion adjoining 128 - 132 Garratt Road does not exist on the ground.
- The existing ROW is not essential, and the landowners in the vicinity should be surveyed to determine the desirability for closure.

**RECOMMENDATION:**

Acquire from Garratt Road to rear of 126 Garratt Road  
Dedicate from Garratt Road to rear of 126 Garratt Road  
Close ROW at rear of No. 128-132 Garratt Road  
Close 0.4m wide portion facing private land and amalgamate  
Upgrade (Medium)  
Widening (As per the WAPC's requirements upon subdivision or infill development)





#### DESCRIPTION:

<b>Location</b>	Block bound by Frinton, Crowther and Neville Streets and Garratt Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides secondary rear access to five single residential lots
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
14	742 - 1502	R17.5/25	14	100%

#### COMMENTS:

- Given 100% development potential, orientation towards the ROW should be encouraged and widening of 1m per lot sought at the time of subdivision or development.
- The ROW is in reasonable condition and should be scheduled for long-term upgrading as necessary. Upgrading is most likely to be required once majority of the lots have been developed and the land has been ceded for widening.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Williamson, Crowther, Frinton Streets and Garratt Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides rear access to single residential lots and primary access for one grouped dwelling
<b>Existing Infill Development</b>	Two grouped dwellings – one with primary access

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
29	728 - 1491	R17.5/25	25	86%

#### COMMENTS:

- Three of the lots adjoining the ROW have been developed as a local park and one of the residential lots has an existing grouped dwelling development. The remaining lots may all have development potential that could gain primary access from the ROW.
- The ROW is in reasonable condition and should be scheduled for long-term upgrading as necessary. Upgrading is most likely to be required once majority of the lots have been developed and the land has been ceded for widening.
- Given high potential for infill development, new dwellings should be encouraged to orientate towards the ROW and widening of 1m per lot sought.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Garratt Road, Guildford Road, Crowther and Williamson Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Rear access to single residential lots. Four grouped dwellings with primary access to the ROW
<b>Existing Infill Development</b>	Four grouped dwellings with primary access to the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
29 (res)	326 - 963	R17.5/25	27	93%

#### COMMENTS:

- Five lots adjoining the ROW have frontage to Guildford Road, which is a Primary Regional Road, but these lots are currently developed as a local park.
- Of the remaining 29 lots abutting the ROW, 27 have the potential for grouped dwelling development. It is noted that at least three of the single residential lots abutting the ROW have primary access from this laneway ie. no driveway access from Garratt Road.
- Given high potential for infill development, dwellings should be encouraged to orientate towards the ROW and widening of 1m per lot be sought.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Milne, Crowther, Frinton and Neville Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drain
<b>Usage</b>	Secondary access to single residential properties
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
15	662 - 835	R17.5/25	6	40%

#### COMMENTS:

- Only minimal development potential that may access the ROW, however it is currently being used by the adjoining owners and closure does not appear to be warranted.
- ROW is in reasonable condition and the City is to continue maintaining the ROW.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Milne, Crowther, Williamson & Frinton Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drain
<b>Usage</b>	Secondary rear access to single residential properties
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

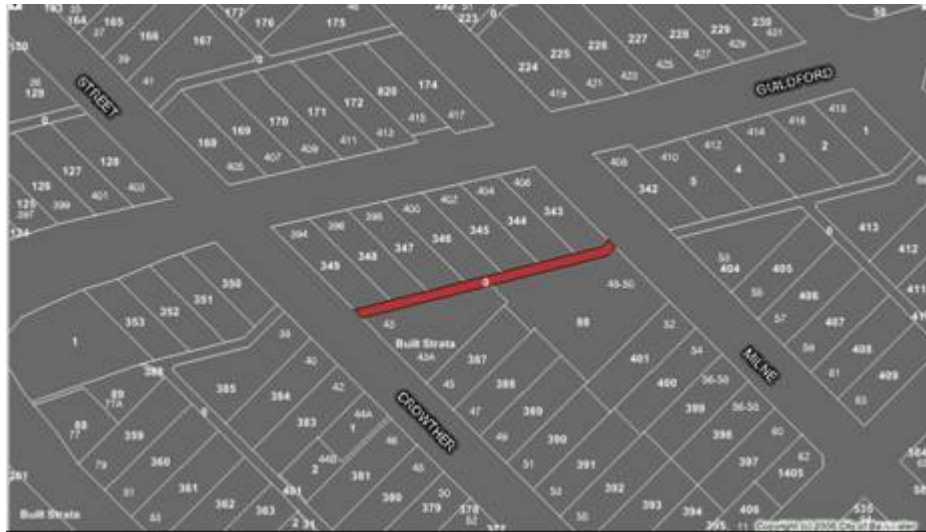
No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
30	662 - 663	R17.5/25	None	None

#### COMMENTS:

- None of the adjoining residential lots have the potential for infill development, therefore the ROW will be used as access to single residential lots only.
- While the adjoining lots do not currently have development potential, it may not be appropriate to close the ROW at this time, pending the review of residential densities within the City of Bayswater. The ROW may be suitable for infill development in the future and there are no concerns raised with the current use or management of the land.

#### RECOMMENDATION:

**Dedicate**



**DESCRIPTION:**

<b>Location</b>	Block bound by Crowther, Milne, Williamson Streets and Guildford Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.67 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides primary access for five lots fronting Guildford Road
<b>Existing Infill Development</b>	One grouped dwelling on Crowther Street accessed from ROW Disability Services Commission building fronts onto ROW (48-50 Milne Street)

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	573 - 1920	R17.5/25 R17.5/30	3	33%

**COMMENTS:**

- The 1920m<sup>2</sup> lot at 48-50 Milne Street accommodates the Disability Services Commission, with one of the buildings fronting directly onto the ROW. The ROW provides primary access to five of the seven lots fronting Guildford Road.
- ROW is in a reasonable condition and should be scheduled for long-term upgrading as necessary. Widening to be sought wherever possible - 0.65m per lot.

**RECOMMENDATION:**

**Dedicate**

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Milne, Roberts, Neville & Frinton Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Secondary rear access to single residential lots
<b>Existing Infill Development</b>	Single Residential only

#### DEVELOPMENT POTENTIAL:

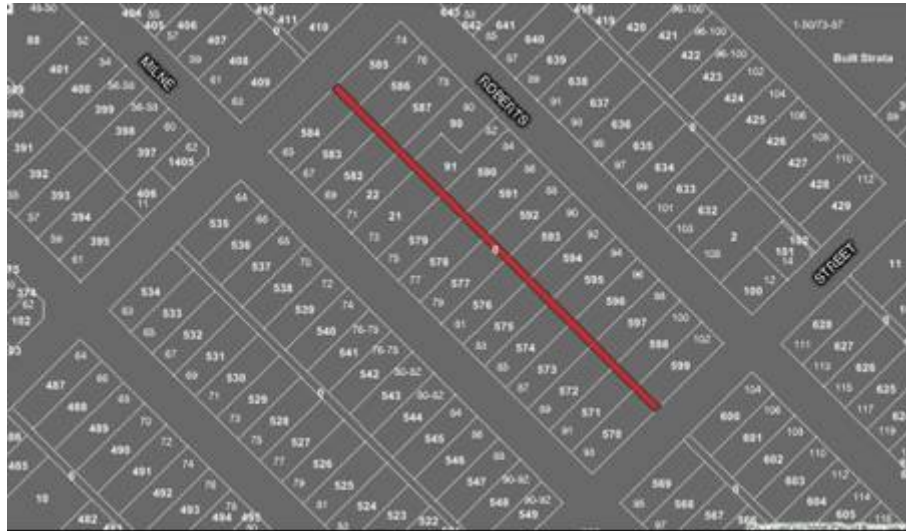
No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
23	662 - 993	R17.5/25	3	13%

#### COMMENTS:

- ROW is owned and managed by the City and is in a reasonable condition.
- Widening to be sought to provide for a future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development).**



#### DESCRIPTION:

<b>Location</b>	Block bound by Milne, Roberts, Frinton & Williamson Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, in need of repair
<b>Usage</b>	Provides access to the ancillary accommodation at 80 Roberts Street and secondary access to single residential dwellings.
<b>Existing Infill Development</b>	Infill development at 80 Roberts Street with access to the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
30	524 - 801	R17.5/25	2	7%

#### COMMENTS:

- The ROW is in reasonable condition, though some pothole repair is required through part of the ROW.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development).**





#### DESCRIPTION:

<b>Location</b>	Block bound by Roberts, Milne, Williamson Streets and Guildford Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Part bitumen paved and drained, part is not constructed and is overgrown by vegetation
<b>Usage</b>	Provides secondary rear access to single residential lots and primary access to subdivided lot
<b>Existing Infill Development</b>	Single residential and vacant lot with direct access to ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
16	562 - 913	R17.5/25 R17.5/30	6	38%

#### COMMENTS:

- Portion of the ROW is constructed and in reasonable condition, while portion of the ROW is not developed and is not trafficable as it is overgrown with vegetation.
- The ROW may be used as access for infill development and primary access from those properties fronting Guildford Road (Primary Regional Road) should be encouraged.
- Widening to be sought to provide for future 6.0m ROW and upgrading is necessary to construct that portion of the ROW that is currently undeveloped.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development).**



#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
31	668 - 1127	R17.5/25	5	16%

#### COMMENTS:

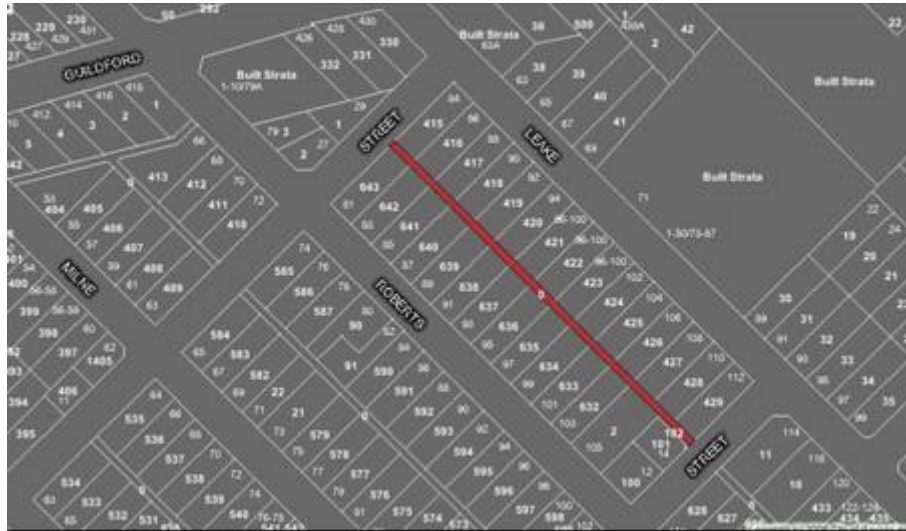
- ROW owned by the City and requires construction.
- Only a small proportion of the lots adjoining the ROW have development potential, though it currently provides secondary access to a number of properties.
- Widening to be sought to provide for future 6.0m ROW.

#### DESCRIPTION:

<b>Location</b>	Block bound by Neville, Frinton, Roberts and Leake Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Part constructed, un-constructed, drained, Part bitumen, part hard-standing gravel, part sandy track
<b>Usage</b>	Primary access to single residential dwellings
<b>Existing Infill Development</b>	No infill development

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development).**



#### DESCRIPTION:

<b>Location</b>	Block bound by Leake, Roberts, Williamson & Frinton Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Secondary rear access to single residential dwellings
<b>Existing Infill Development</b>	Grouped dwelling at 12 Frinton Street faces the ROW, however this property has primary road access to Frinton Street

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
29	668 - 1001	R17.5/25	2	7%

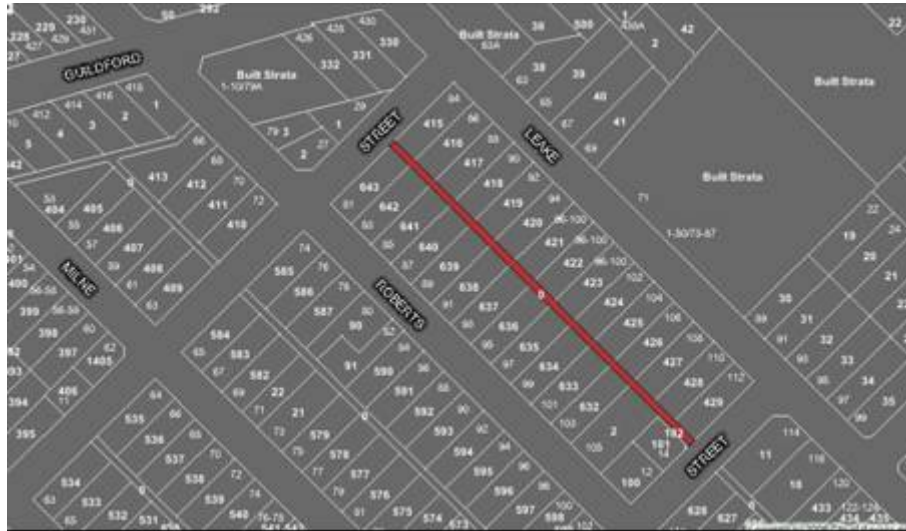
#### COMMENTS:

- ROW is owned by the City of Bayswater and is constructed
- Only a few lots have development potential.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development).**



#### DESCRIPTION:

<b>Location</b>	Block bound by Grafton Road, Kitchener Avenue, Mahdi Street and Guildford Road
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	4.0 metres
<b>Condition</b>	Part hard-standing gravel, part sandy track
<b>Usage</b>	Secondary rear access to single residential only, adjoins lots which front Primary Regional Road (Guildford Road)
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
38	394 - 1282	R17.5-30	2	5%

#### COMMENTS:

- ROW is Crown land - road reserve, however it is not constructed.
- While only 5% of the lots have development potential, 16 of the abutting lots have frontage to Guildford Road (Primary Regional Road) - vehicle access from the ROW should be encouraged. Widening to be sought wherever possible.

#### RECOMMENDATION:

**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development).**



#### DESCRIPTION:

<b>Location</b>	Off Dunkley Place, to the rear of 14 - 28 Kitchener Avenue
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	4.03 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Rear access to single residential. At least six lots have primary access to vehicle parking areas from the ROW.
<b>Existing Infill Development</b>	There is some grouped dwelling development abutting the ROW, however it does not utilise the ROW as access

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
12	477 - 2426	R25-40	2	17%

#### COMMENTS:

- ROW is crown land - road reserve. It is constructed and used as the primary means of access to vehicle parking areas for at least 6 of the adjoining single residential lots.
- Of the 12 lots adjoining, 9 do not have further development potential, one has been developed to its full potential and 2 may be further developed.
- There is insufficient space in the ROW to turn - manoeuvrability is impeded and future developments should take this factor into consideration

#### RECOMMENDATION:

**Widening (As per the WAPC's requirements upon subdivision or infill development).**





#### DESCRIPTION:

<b>Location</b>	Off Garratt Road, block bound by Guildford and Garratt Roads, Mahdi Street and Kitchener Avenue
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	3.44 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides access to the parking bays for 387 Guildford Road
<b>Existing Infill Development</b>	None - surrounded by Business and Special Purpose zoned land. Abuts the building at 68 Garratt Road

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	326 - 1058	Business zoned land	N/A	N/A

#### COMMENTS:

- ROW is crown land - road reserve and abuts Business and Special Purpose zoned land.
- Provides access to the parking area for 387 Guildford Road
- Any redevelopment of this site should consider the future use of this ROW.

#### RECOMMENDATION:

No action



#### DESCRIPTION:

<b>Location</b>	Block bound by Guildford and Garratt Roads, Almondbury and Crowther Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Sole access to vehicle parking for one Guildford Rd property. Secondary rear access to single residential
<b>Existing Infill Development</b>	Subdivision approval for No 403 Guildford Road

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
11 (res. Only)	595 - 1611	R17.5, 25, 30	5	45%

#### COMMENTS:

- Of the 16 lot abutting, 5 are zoned for Business or Public Purposes. Five of the remaining residential lots may be developed for grouped dwellings.
- The ROW is in good condition, however vegetation maintenance is required.
- Access from the ROW to the properties fronting Guildford Road shall be encouraged.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Bound by Crowther & Murray Streets and Garratt Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained - average condition. Portion between 41 Garratt and 2 Crowther is an unconstructed, sandy track. Obstruction (steel poles) to the rear of 69 Murray St.
<b>Usage</b>	ROW provides primary access to 63 - 69 Murray Street (4 properties). Secondary rear access for two other properties.
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	594 - 1189	R17.5/25	1	11%

#### COMMENTS:

- As the ROW provides primary access to four of the adjoining properties, it should be retained. The obstruction in the centre of the ROW should be removed to improve vehicle manoeuvrability.
- The only property with development potential also has two street frontages, therefore there is no opportunity to seek widening at this time.

#### RECOMMENDATION:

##### Dedicate

##### Upgrade (Low)

**Remove obstruction in the ROW to the rear of 69 Murray Street and extend median within Garratt Road to prevent Right Turn into ROW. Consult with landowners at time.**

**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Adjoins Frank Drago Reserve, off Murray Street and Garratt Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 - 20.0 metres
<b>Condition</b>	Portion between Lots 40 and 42 Murray Street is bitumen paved and drained. Portion to the rear of Lots 29-40 Murray Street does not exist on the ground.
<b>Usage</b>	The portion named Oval Street provides an entry and parking for Frank Drago Reserve.
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
No res. lots	N/A	N/A	N/A	N/A

#### COMMENTS:

The ROW to the rear of Lots 29-40 Murray Street does not exist on the ground and is used as part of the sports grounds. The portion named Oval Street provides an entry and parking for Frank Drago Reserve and the Lawn Bowls and Tennis Clubs. There are no concerns with the current arrangements.

#### RECOMMENDATION:

**No action**

CITY OF BAYSWATER  
Rights of Way Study

FINAL REPORT  
ASSESSMENT SHEET

Reference No: 25



DESCRIPTION:

Location	Block bound by Almondbury, Crowther & Milne Streets and Garratt Road
Owner	City of Bayswater
Width	4.02 metres
Condition	Bitumen paved and drained, poor condition
Usage	Secondary rear access to single residential development
Existing Infill Development	None

DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
27	587 - 854	R17.5/25 R17.5/30	8	30%

COMMENTS:

- All but one lot fronting Guildford Road has development potential. Use of the ROW as primary access for infill development and to single residential is to be encouraged. Seek widening of 1m from Guildford Road lots and 41 Crowther and 46 Milne Streets.
- ROW is in poor condition and vegetation maintenance is required.

RECOMMENDATION:

Dedicate

Widening (As per the WAPC's requirements upon subdivision or infill development)



#### DESCRIPTION:

<b>Location</b>	Block bound by Murray, Crowther, Milne and Almondbury Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Provides primary access to vehicle parking for 47 Murray Street and secondary rear access to all other lots
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
6 (res only)	594 - 828	R17.5/25	1	16%

#### COMMENTS:

- ROW provides primary access to Murray Street property and could be used for infill development at 4 Milne Street. There is no opportunity to seek widening at this time.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Almondbury, Milne & Roberts Street and Guildford Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, good condition
<b>Usage</b>	Provides sole access to vehicle parking for two Guildford Road properties and provides secondary rear access to single residential lots
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
35	600 - 792	R17.5/25 R17.5/30	5	14%

#### COMMENTS:

- ROW provides sole access to Guildford Road properties. All properties fronting Guildford Road have development potential and use of the ROW as a means of access is to be encouraged.
- Widening of 1m per lot is to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate  
Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	594 - 644	R17.5/25	0	None

**COMMENTS:**

ROW provides sole access to the vehicle parking for three Murray Street properties. ROW is to be retained and upgraded as necessary.

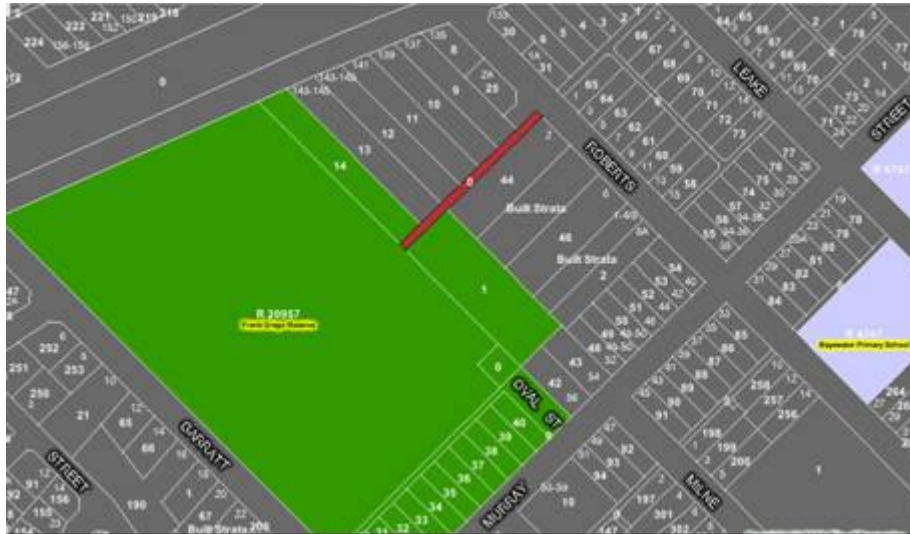
**DESCRIPTION:**

<b>Location</b>	Block bound by Murray, Almondbury, Milne and Roberts Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Provides primary access to vehicle parking for three Murray Street properties
<b>Existing Infill Development</b>	None

**RECOMMENDATION:**

**Dedicate**





#### DESCRIPTION:

<b>Location</b>	Off Roberts Street, between Murray Street and Whatley Crescent. Known as Merrick Court
<b>Owner</b>	City of Bayswater
<b>Width</b>	6.1 metres
<b>Condition</b>	Not constructed
<b>Usage</b>	Informal grass track to Frank Drago Sports Ground
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
6 (res only)	1798 - 2597	R30	6	100%

#### COMMENTS:

ROW is of a sufficient width to be used as access to infill development. All of the adjoining lots have the potential for 6-8 grouped dwellings each. The ROW should act as the primary access point for these developments, considering five of the lots have frontage to Whatley Crescent.

#### RECOMMENDATION:

**Dedicate  
Upgrade (High)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Leake, Roberts, Almondbury Streets and Guildford Road
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Provides sole access to two Guildford Road properties and secondary rear access to single residential lots
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
41 (res. only)	592 - 1211	R17.5/25 R17.5/30	6	15%

#### COMMENTS:

- ROW provides sole access to 2 Guildford Road properties and to the parking area to the rear of the medical centre on the corner of Guildford Road and Roberts Street.
- Portion of the ROW is not constructed to the rear of the medical centre and is obstructed at this end with street parking bays. The slope of the land in this area would make construction of the ROW in its entirety difficult. However, it should be retained as it may be used as access for infill development.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Almondbury, Roberts, Leake and Murray Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 - 6.0 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Secondary rear access to single residential development, leads to Local Public Open Space
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
14	505 - 710	R17.5/25	0	None

#### COMMENTS:

ROW provides secondary access to single residential only. It provides an informal access to the local open space reserve, however this is not required, as there is adequate street access for pedestrians and vehicles. ROW could be closed and amalgamated with the adjoining properties, as none of these properties have development potential and it is unlikely to be used for infill development or sole access.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Almondbury, Roberts, Leake and Murray Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Provides primary access to vehicle parking for five Murray Street properties
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
7	594	R17.5/25	0	None

#### COMMENTS:

While none of the adjoining lots have development potential, the ROW is used as the primary access point to vehicle parking areas of the single residential dwellings. There is an obstruction at the Leake Street end of the ROW that impedes vehicle manoeuvrability, however this was installed at the request of the adjoining landowners and should remain.

#### RECOMMENDATION:

**Dedicate**



#### DESCRIPTION:

<b>Location</b>	Block bound by Roberts, Leake & Murray Streets and Whatley Crescent
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 - 6.0 metres
<b>Condition</b>	Bitumen paved and drained, good condition
<b>Usage</b>	Provides primary access to vehicle parking areas for some of the Whatley Crescent and Murray Street properties. Secondary rear access to single residential lots.
<b>Existing Infill Development</b>	Lot with primary access to ROW at the rear of 127 Whatley Crescent

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
25 (res only)	459 - 866	R30, R25	3	12%

#### COMMENTS:

- Six of the adjoining lots are zoned for public purposes and are used as a Church and associated buildings. Of the remaining residential lots, only 3 have development potential and these all have frontage to Whatley Crescent.
- The ROW provides sole access to vehicle parking areas for properties on Murray St and Whatley Crescent. Continued use of the ROW as a means of access should be encouraged, as Whatley Crescent is a busy road and it assists with maintaining the streetscape of Murray Street.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Off Hill Street, between Leake & King William Streets
<b>Owner</b>	M Gibney
<b>Width</b>	3.02 metres
<b>Condition</b>	Hard standing gravel track
<b>Usage</b>	Secondary rear access to single residential lots
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
5	310 - 569	R17.5/25	None	None

**COMMENTS:**

The ROW is providing secondary access to single residential lots only. None of the adjoining lots have development potential. However, the ROW provides access to Lot 88 Almondbury Street, which does not have any other legal road access. This lot is developed in conjunction with the adjoining Lot 89 and a single residential dwelling spans across the lot boundary between the two. The ROW is to be retained, however no action is to be taken at this time. Future requests to close the ROW could be considered favourably, provided that Lot 88 is provided with alternative legal access.

**RECOMMENDATION:**

**No action**



#### DESCRIPTION:

<b>Location</b>	Off Murray Street, block bound by Murray, Hill, Leake and King William Streets
<b>Owner</b>	E Browne
<b>Width</b>	5.0 - 8.06 metres
<b>Condition</b>	Bitumen paved and drained, good condition
<b>Usage</b>	Provides primary access to 1 Glyde Street and sole access to vehicle parking for King William Street properties.
<b>Existing Infill Development</b>	1 Glyde Street fronts onto the ROW, which also abuts 1A Murray Street

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
7	229 - 808	R17.5/25, R40	5	71%

#### COMMENTS:

- The ROW has existing infill development and is likely to be used as access for future infill development. It is of a sufficient width and standard to accommodate further development.
- This right of way will require acquisition or dedication, though as it has been given a street name (Glyde Street) and is greater than 5.0 metres wide, dedication may be more appropriate in this instance. In the portion where the ROW is 5.0m wide only, widening of 0.5m per lot should be sought where possible.

#### RECOMMENDATION:

**Acquire**

**Dedicate**

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Leake, Murray, Veitch Streets and Whatley Crescent
<b>Owner</b>	J T Hamilton
<b>Width</b>	4.02 metres
<b>Condition</b>	Part bitumen paved and drained, part sandy track
<b>Usage</b>	Provides sole access to vehicle parking for some single residential properties on Whatley Crescent and Murray Street. Secondary rear access to single residential.
<b>Existing Infill Development</b>	4 Veitch street subdivided with ROW access

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
25	343 - 1381	R17.5/25	1	4%

#### COMMENTS:

- While only one lot has development potential, the ROW is used as sole access to vehicle parking for properties on Whatley Crescent and Murray Street. This should continue to be encouraged, as Whatley Crescent is a busy road and it will assist in maintaining the streetscape in Murray Street. Upgrading to be scheduled as a matter of high priority to retain the residential character of these areas.
- J T Hamilton was likely the original subdivider of the land. The ROW should be acquired or dedicated, as appropriate, and if the density coding of the land is increased at any time in the future, widening should be sought.

#### RECOMMENDATION:

Acquire  
Dedicate  
Upgrade (High)





#### DESCRIPTION:

<b>Location</b>	Block bound by Veitch, Murray & King William Streets and Whatley Crescent
<b>Owner</b>	J T Hamilton
<b>Width</b>	4.0 metres
<b>Condition</b>	Part bitumen paved and drained, part hard standing gravel, part unconstructed
<b>Usage</b>	Provides sole access to vehicle parking of Whatley Crescent, King William Street & Murray Street properties. Secondary rear access to single residential properties. Portion to the side of Lot 1 (cnr Whatley & King William) is constructed but does not have road access to Whatley Crescent.
<b>Existing Infill Development</b>	Grouped dwelling development at 5 Veitch Street, which does not utilise the ROW.

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
10 (res)	454 - 1352	R40	9	90%

#### COMMENTS:

- Of the 10 residential lots adjoining, 9 have development potential and the remaining one lot has been developed to its full capacity. The lots on the corner of King William Street and Whatley Cres are zoned for 'Business' uses.
- J T Hamilton was likely the original owner and subdivider of the land. ROW to be acquired or dedicated.
- While the portion of the ROW adjoining Lot 1 could be closed, as it does not appear to be used, this action can be held pending the future development of the adjoining land.
- Given high level of primary access and high development potential of adjoining land, this ROW should be scheduled for upgrading in the short-term.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by King William, Olfe, Station and Hamilton Streets
<b>Owner</b>	T G Molloy, R J D Burns & B Copley
<b>Width</b>	5.0 metres
<b>Condition</b>	Bitumen paved and drained, poor condition
<b>Usage</b>	Provides primary access to vehicle parking for some King William Street properties. Secondary rear access to single residential dwellings.
<b>Existing Infill Development</b>	38 Hamilton Street has two grouped dwellings, however they do not address the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
24	510 - 1051	R17.5/25	8	33%

#### COMMENTS:

- Of the 24 adjoining lots, one has grouped dwelling development and eight have development potential. The ROW is used as the primary access to vehicle parking for some of the King William St properties.
- Infill development and sole access from the ROW is to be encouraged. This may be partly be achieved through the upgrading of the ROW, as it currently is in a very poor condition, with overgrown vegetation and potholes.
- The ROW is currently privately owned and the City should assume responsibility for the land.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by King William, Hamilton & Olfe Streets and Whatley Crescent
<b>Owner</b>	J T Hamilton
<b>Width</b>	4.0 metres
<b>Condition</b>	Portion of the ROW between 2 Hamilton and 79 Whatley, leading out onto Whatley Crescent, between No 85 and 87 is bitumen paved and drained. The remainder of the ROW is not constructed, except for a small portion adjoining 19 King William St.
<b>Usage</b>	The constructed portion of the ROW provides access to the parking areas for the adjoining commercial development.
<b>Existing Infill Development</b>	Commercial or single residential only.

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4 (res)	609 - 976	R40	4	100%

#### COMMENTS:

- Of the 17 lots adjoining, 13 are zoned for Business purposes and the remaining four residential lots all have development potential.
- The ROW primarily provides access to the parking areas for the adjoining commercial development. It is, however, in a poor condition and requires immediate pothole repair. ROW should be widened, where possible, and upgraded to promote infill development accessing the ROW.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





**DESCRIPTION:**

<b>Location</b>	Block bound by Hamilton, Slade, Olfe and Station Streets
<b>Owner</b>	T G Molly, R J D Burns, B Copley
<b>Width</b>	5.1 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	ROW provides primarily secondary rear access to single residential lots, however it does provide some sole access to the covered parking bays for the adjoining single residential lots.
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
26 (res only)	320 - 708	R17.5/25	11	42%

**COMMENTS:**

- ROW provides secondary access to single residential and some sole primary to the covered parking bays of these properties. There is one lot that has been subdivided, however this lot has direct road frontage.
- The ROW has the potential to be used for further infill development. The ROW should be acquired or dedicated and upgraded accordingly. Widening to 6.0m will be required.

**RECOMMENDATION:**

**Acquire**  
**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Hamilton, Slade, Olfe Streets and Whatley Crescent
<b>Owner</b>	J T Hamilton
<b>Width</b>	4.1 metres
<b>Condition</b>	The portion between the Hamilton and Slade Street properties is bitumen paved and drained, the portion to the rear of the Whatley Crescent properties is a hard standing gravel and grass track only
<b>Usage</b>	Provides sole access to the Slade Street and Whatley Crescent properties
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

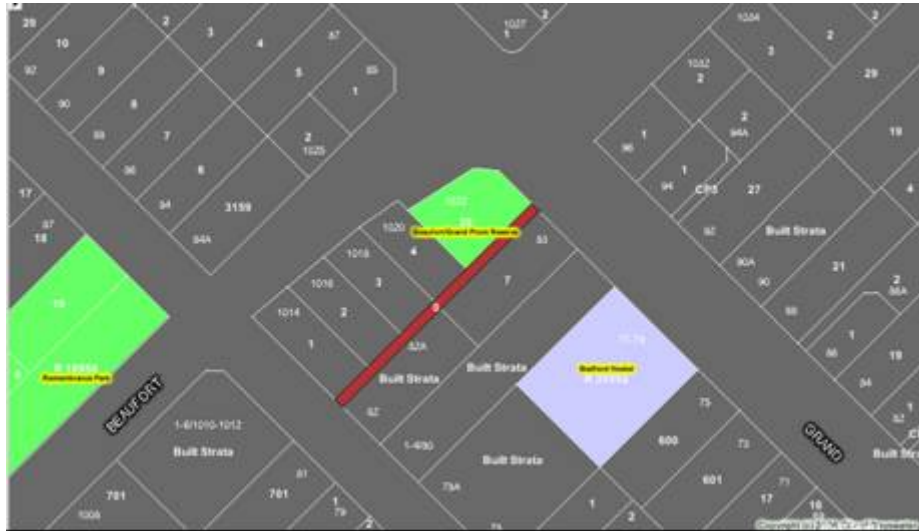
No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
23 (res only)	304 - 571	R40	21	91%

#### COMMENTS:

- ROW provides sole access to Whatley Crescent and Slade Street properties. Majority of the adjoining residential lots have development potential.
- The ROW is to be acquired / dedicated and upgraded as a matter of priority. Widening is to be sought at the time of development or subdivision.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	To the rear of 1014-1022 Beaufort Street, between Rosebery Street and Grand Promenade
<b>Owner</b>	Crown Land (DOLA)
<b>Width</b>	3.6 metres
<b>Condition</b>	Part bitumen paved and drained, part not constructed
<b>Usage</b>	Provides sole access to infill development at 82 Rosebery Street. Secondary rear access to single residential fronting Beaufort Street
<b>Existing Infill Development</b>	Grouped dwelling at 82A Rosebery Street fronts onto the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
6	550 - 871	R25	1	16%

#### COMMENTS:

- ROW provides sole access to 82A Rosebery Street. An application to subdivide 83 Grand Promenade has been approved with a lot fronting onto the ROW. Widening has not been taken in either circumstance, however a pedestrian access way with access to the primary street is provided.
- The owners of 83 Grand Promenade will be required to construct the remainder of the ROW as part of their subdivision application.

#### RECOMMENDATION:

**Dedicate  
Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Off Craven and Grand Promenade
<b>Owner</b>	City of Bayswater
<b>Width</b>	6.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides rear access to parking areas and service access to the adjoining commercial developments
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
7	1116-1226	R20/25	7	100%

**COMMENTS:**

- ROW provides access to parking areas and service access for the adjoining commercial development.
- While all of the adjoining residential land has development potential, it is not recommended that this infill development utilises the ROW as a means of access, given the potential conflict with commercial traffic.

**RECOMMENDATION:**

**Dedicate**



#### DESCRIPTION:

<b>Location</b>	Block bound by Beaufort, York, Drummond & Birkett
<b>Owner</b>	Crown land - Road Reserve
<b>Width</b>	3.6 - 6.1 metres
<b>Condition</b>	Bitumen paved and drained, average condition
<b>Usage</b>	Provides sole access to the vehicle parking for 1 and 5 Birkett Street, single residential only. Secondary rear access to single residential development.
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
14	613 - 743	R25	6	43%

#### COMMENTS:

- Those lots with development potential have a narrow street frontage and are likely to use the ROW as a means of access.
- Lots fronting York Street do not have development potential at this time.
- Widening to be sought as appropriate and the ROW scheduled for upgrading as a low priority.

#### RECOMMENDATION:

**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Between Shaftesbury Ave and Arundel Street
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Part bitumen in very poor condition, part not constructed -grass track
<b>Usage</b>	Provides secondary rear access to single residential only and sole access to vehicle parking for one of the properties fronting Railway Parade
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
5	712 - 1068	R25	5	100%

#### COMMENTS:

- Of the five adjoining lots with development potential, three have the potential to create infill development with access to a secondary street, therefore the ROW may not be utilised in this circumstance.
- ROW to remain open, however scheduled upgrading is long term and this will only be revised if there is development pressure for the adjoining lots to use the ROW. Alternatively, developers may contribute to the cost of upgrading of the ROW, with the City to undertake the works, as a condition of subdivision or development.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Wittaker, Arundel, Toowong Streets and Shaftesbury Avenue
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Part hard standing gravel track in poor condition, part not constructed, part concrete paving (to 1A Whittaker St).
<b>Usage</b>	Provides sole access to 1A Whittaker Street, which fronts onto the ROW. Secondary rear access to single residential.
<b>Existing Infill Development</b>	Grouped dwelling at 1A Whittaker Street

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	633 - 984	R25	1	11%

#### COMMENTS:

- Of the nine lots adjoining, one has an existing grouped dwelling development and one has the potential for further development. The lot with grouped dwelling potential could use the ROW as a means of access.
- There is no immediate pressure to redevelop the ROW, however the City must consider the long term upgrading of the ROW. Should the owner of 32 Arundel wish to develop prior to the scheduled upgrading, the City may require that the owner contribute to the upgrading.
- Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**

CITY OF BAYSWATER  
Rights of Way Study

FINAL REPORT  
ASSESSMENT SHEET

Reference No: 49



**DESCRIPTION:**

<b>Location</b>	Block bound by Essex, Toowong, Whittaker Streets and Shaftesbury Ave
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Constructed in bitumen and drained
<b>Usage</b>	Secondary rear access to three single residential lot
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
8	668 - 884	R25	2	25%

**COMMENTS:**

- The ROW is constructed. The properties at 2 Whittaker and 38 Essex could utilise the ROW as a means of access to infill development.
- Widening to be sought to provide for future 6.0m ROW.

**RECOMMENDATION:**

**Dedicate  
Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Toowong, Essex, Aldwych Streets and Shaftesbury Avenue
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Not constructed, grass and sand track only, overgrown vegetation, No crossovers to Essex or Aldwych Streets
<b>Usage</b>	No secondary rear access, not often used
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
10	309 - 1031	R25	2	20%

#### COMMENTS:

- The properties at 1 Alwyck Street and 47 Essex Street have development potential and can use the ROW as a means of access.
- The lots fronting Shaftesbury Avenue do not have development potential at this time, however the ROW should remain pending the review of the City's residential densities.
- Widening to be sought to provide for 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Adelphi, Aldwych, Toowong Streets and Shaftesbury Avenue
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Part concrete paved, part sandy track
<b>Usage</b>	Provides access to 2A Aldwych Street, which fronts directly onto the ROW
<b>Existing Infill Development</b>	Grouped dwelling at 2A Aldwych Street

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
10	310 - 1003	R25	1	10%

#### COMMENTS:

- Of the 10 adjoining lots, one has an existing grouped dwelling development. The lots fronting Shaftesbury Street do not have development potential, however some of the properties have secondary access to the ROW. The property at 21 Adelphi Street has development potential and can use the ROW as a means of access.
- The ROW should be scheduled for upgrading in the longer term and widening sought to provide for a future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Toowong, Hobart, Adelphi Streets and Shaftesbury Avenue
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Maintained grass track (by owners of 22 Adelphi St), no crossover to Adelphi Street
<b>Usage</b>	Secondary rear access to 22 Adelphi Street only, ROW abuts the side of this dwelling
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
5	667 - 1030	R25	1	17%

#### COMMENTS:

- The owners of 22 Adelphi Street (G & C Ellis) currently maintain the grass track that is the ROW. The ROW provides access to the rear of their property and it has a gate securing access to the back half of their land. These owners have had almost sole use since the early 1980s and are interested in buying the land and amalgamating with their property.
- A sewerage line runs through the centre of the ROW, therefore it can not be paved or developed.

#### RECOMMENDATION:

**Survey for Closure**



#### DESCRIPTION:

<b>Location</b>	Block bound by Hobart, Toowong, York Streets and Shaftesbury Avenue
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Not constructed, grass track, overgrown vegetation and rubbish in lane
<b>Usage</b>	Does not appear to be often used
<b>Existing Infill Development</b>	Approval for subdivision of 2 Hobart Street with 2 lots having direct frontage to the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
6	666 - 1246	R25	2	33%

#### COMMENTS:

- The lot at 2 Hobart Street has had approval for a 3 lot subdivision utilising the ROW as a means of access. The lot at 116 York Street may also utilise the ROW as a means of access to a grouped dwelling development.
- ROW to be scheduled for upgrading in the long term and widening to be sought to provide for the future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Railway Parade, Arundel Street, Shaftesbury Avenue and The Strand
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Part bitumen paved and drained, good condition. Part not constructed - overgrown vegetation and dumped rubbish
<b>Usage</b>	Secondary rear access to single residential only
<b>Existing Infill Development</b>	Subdivision approval for 5 The Strand, access to the lot via the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
14	351 - 760	R25	4	29%

#### COMMENTS:

- The lots that are suitable for grouped dwelling development will require access to the portion of the ROW that is not currently constructed.
- ROW to remain open and available as access to future development, however priority on the upgrade will be long term. Widening to be sought to provide for the future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate  
Upgrade (Low)  
Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Arundel, Essex Streets, Shaftesbury Ave and The Strand
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Sole access to grouped dwelling at 2/23 The Strand. Secondary rear access to single residential
<b>Existing Infill Development</b>	Grouped dwelling fronting onto ROW at 2/23 The Strand

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
28	343 - 1082	R25	23	82%

#### COMMENTS:

- ROW is in a reasonable condition and most lots adjoining can accommodate infill development. Use of the ROW as a means of access to infill development is to be encouraged. Upgrading is to be undertaken as necessary.
- While there are a few lots where widening can not be obtained, it should be sought to provide a 6.0 metre width throughout the majority of the ROW.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

Location	Off Adelphi, between Shaftesbury Ave and The Strand
Owner	City of Bayswater
Width	4.02 metres
Condition	Part not constructed, part hard standing gravel
Usage	Secondary rear access to single residential only
Existing Infill Development	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
10	343 - 738	R25	8	80%

#### COMMENTS:

- While the ROW is not currently paved and drained, it can be used for access to infill development to the adjoining lots.
- ROW to be scheduled for upgrading and widening of 1.0m per lot to be sought to increase the width of the ROW to 6.0 metres.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Railway Parade, The Strand and Arundel and May Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Bitumen paved and drained, good condition
<b>Usage</b>	Secondary rear access to single residential only
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
12	605 - 912	R25	4	33%

#### COMMENTS:

- Of the four adjoining lots with development potential, one has secondary street access, therefore only three may utilise the ROW for infill development.
- Widening of 1.0m per lot should be sought to provide for the future 6.0m ROW.

#### RECOMMENDATION:

##### Dedicate

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by The Strand, Arundel, Essex and May Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Not constructed, sand and grass track only, only just trafficable
<b>Usage</b>	Secondary rear access to one Arundel Street property which also has secondary street access.
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	519 - 761	R25	2	22%

#### COMMENTS:

- The ROW is only used as a secondary access point by one single residential property, which also has secondary street access. The two lots with development potential will require the ROW in order to achieve infill development, as they do not have sufficient land areas required for battleaxe lots.
- ROW to remain open, however upgrading will only occur in the longer term. Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**

**Upgrade (Low)**

**Modification to intersection with the Strand may be required to ensure vehicular safety**

**Widening (As per the WAPC's requirements upon subdivision or infill development)**

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DESCRIPTION:

<b>Location</b>	Block bound by The Strand, Arundel, Essex and May Streets
<b>Owner</b>	Water Corporation / Unknown
<b>Width</b>	3.06 metres
<b>Condition</b>	Does not exist on the ground
<b>Usage</b>	Developed in conjunction with the adjoining residential lots
<b>Existing Infill Development</b>	None

DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	557 - 759	R25	1	25%

COMMENTS:

- Majority of the ROW is owned by the Water Corporation, possibly for a drainage reserve or sewerage line. Only a small portion at the centre of the ROW is owned by the City of Bayswater and nominated as a ROW.
- Pending the requirements of the Water Corporation, the ROW should be closed and either offered to the Water Corporation or amalgamated with the adjoining properties.

RECOMMENDATION:

Survey for Closure



#### DESCRIPTION:

<b>Location</b>	Off May Street, between Adelphi and Essex Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Brick paved
<b>Usage</b>	Battleaxe leg to 51A May Street
<b>Existing Infill Development</b>	Grouped dwelling development at 51 May Street

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	698 - 1038	R25	1	25%

#### COMMENTS:

- The lot with development potential only adjoins a very small portion of the southern corner of the ROW. Use of the ROW at this point as a means of access may not be viable. As such, the ROW is likely only to be used as a means of access to 51A May Street.

#### RECOMMENDATION:

No Action

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Rights of Way Study

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ASSESSMENT SHEET

Reference No: 61



**DESCRIPTION:**

<b>Location</b>	Block bound by Arundel, May, Lawrence and Essex Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Hard standing gravel, poor condition
<b>Usage</b>	Provides sole access to vehicle parking for 14 Arundel Street. Secondary rear access to single residential
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9	606 - 749	R25	1	11%

**COMMENTS:**

ROW is used for secondary access to an existing dwelling which the landowner has advised. Whilst only one lot has development potential the ROW has the capacity to provide for further access to dwellings and should be kept open.

**RECOMMENDATION:**

**Dedicate**  
**Upgrade (low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Off Essex Street, between May and Lawrence Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.02 metres
<b>Condition</b>	Part bitumen, grass and sand track, some rubbish dumping
<b>Usage</b>	Secondary rear access to single residential
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

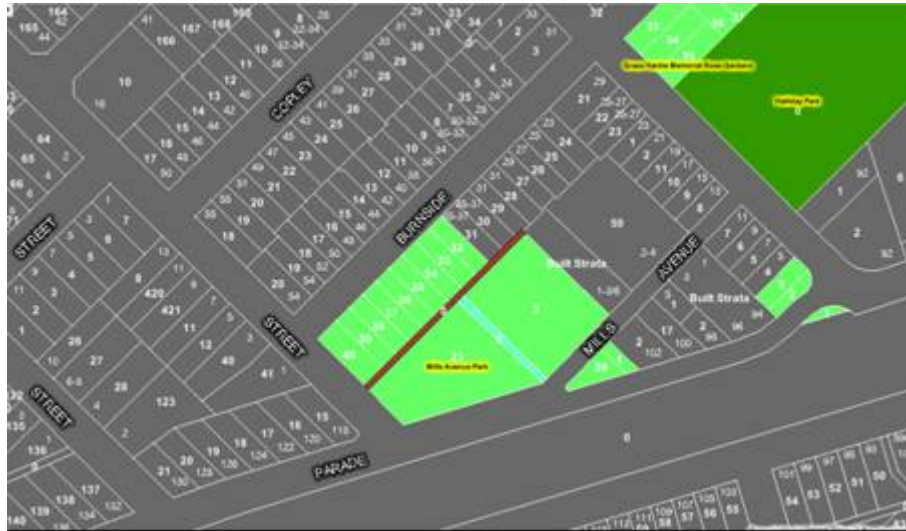
No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
8	696 - 759	R25	2	25%

#### COMMENTS:

ROW provides secondary rear access to single residential only, however two of the adjoining lots have development potential that may access the ROW. The ROW is to be retained and scheduled for upgrading in the longer term. Widening to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Off Lawrence Street, between Burnside St and Railway Parade
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	3.1 metres
<b>Condition</b>	Does not exist on the ground
<b>Usage</b>	Forms part of the Mills Avenue Reserve (local public open space)
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	POS Only	N/A	N/A

**COMMENTS:**

The ROW does not exist on the ground and forms part of Mills Avenue Reserve. It is a Crown Land road reserve, though it is unlikely that it will be developed for this purpose.

**RECOMMENDATION:**

**No Action**





#### DESCRIPTION:

<b>Location</b>	Off Copley St, between Lawrence and Coode Street
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	3.03 - 5.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides sole access to vehicle parking areas for the properties fronting Coode Street
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
6	349 - 460	R17.5/25	None	None

#### COMMENTS:

The ROW provides secondary rear access to properties that do not have vehicle access to Coode Street. This is a busy street and minimising egress/ingress onto the road should be encouraged. The majority of the ROW is 5.0m wide and it is bitumen paved and drained. No further action is required at this time.

#### RECOMMENDATION:

**No action**

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Rights of Way Study

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ASSESSMENT SHEET

Reference No: 65



DESCRIPTION:

<b>Location</b>	Between Winifred Road and Railway Parade, to the rear of 2-8 Beechboro Road South
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.01 metres
<b>Condition</b>	Concrete paved
<b>Usage</b>	Appears to be used as a Pedestrian Access Way through to the Bayswater train station
<b>Existing Infill Development</b>	None

DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
7	791 - 1033	R17.5/25	7	100%

COMMENTS:

- All lots adjoining the ROW have development potential and the ROW could be used as access to the infill development.
- At present, the ROW appears to be used as a pedestrian access way through to the rail station. There is an obstruction at the Railway Parade exit preventing vehicle access.
- The ROW should be encouraged as a point of access to any infill development. The obstruction is to be removed when the first development or subdivision applications are approved.
- An application to subdivide No 4 Beechboro Road with rear access is currently being considered.
- To facilitate the subdivision the Council at its meeting held in September 2006 resolved to transfer the land to the Crown and dedicated as a Public Road. This process has been initiated

RECOMMENDATION:

Dedicate

Upgrade (Medium)

Leave obstruction for immediate future but remove at later date, when warranted or requested

Widening (As per the WAPC's requirements upon subdivision or infill development)



#### DESCRIPTION:

<b>Location</b>	Block bound by Foyle Road, Catt Court, Beechboro Road South and Drake Street
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.01 metres
<b>Condition</b>	Part bitumen paved and drained - in need of repair. Part adjoining residential lots is not constructed and not used. Part behind 12 & 12a Drake, and 4 Foyle has been closed.
<b>Usage</b>	The paved portion of the ROW provides service and parking access for commercial development fronting Beechboro Rd South
<b>Existing Infill Development</b>	10-12 Drake Street, 2 Drake Street have grouped dwellings, none of which access the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
8	721 - 1442	R40	6	75%

#### COMMENTS:

- Of the 19 lots adjoining the ROW, 11 are zoned for Business or Public Purposes. Of the 8 residential lots adjoining the ROW, 2 have existing grouped dwelling developments, which do not access the ROW. The remaining 6 residential lots all have development potential.
- The upgrade of the ROW is scheduled in the medium term, partly due to the poor condition of the existing ROW and because the construction of the ROW will result in the clearing of the area.
- Widening of 1.0m per lot to be sought to provide for future 6.0m ROW.

#### RECOMMENDATION:

**Dedicate  
Upgrade (Medium)  
Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Cantlebury Street, Foyle Road, Catt Court and Drake Street
<b>Owner</b>	City of Bayswater
<b>Width</b>	4.01 metres
<b>Condition</b>	Part hard standing gravel, part sandy track
<b>Usage</b>	Secondary rear access to single residential only
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
19	321 - 721	R17.5/25	17	89%

#### COMMENTS:

Majority of the lots adjoining the ROW have development potential, however the condition of the ROW requires upgrading. The upgrade is to be scheduled for the medium term and widening of 1 metre per lot should be sought.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Between Munt, Irvine and Mooney Streets
<b>Owner</b>	Crown Land - Reserve for Parking & Access
<b>Width</b>	5.04 metres, central area 25m x 25m
<b>Condition</b>	Part hard standing gravel, part sandy, part bitumen
<b>Usage</b>	The gravel and sand portion provides access to the industrial lots fronting Irvine Street and to 12 Mooney St. The bitumen portion is developed in conjunction with 8-10 Mooney Street.
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Industrial lots only	N/A	N/A

**COMMENTS:**

- The ROW provides access to industrial lots only. While upgrading is required, it should be at the request and at the cost of the adjoining industrial owners.

**RECOMMENDATION:**

No action





#### DESCRIPTION:

<b>Location</b>	Block bound by Munt, Mooney, John and Irvine Streets
<b>Owner</b>	The Crown
<b>Width</b>	5.0 metres
<b>Condition</b>	Part bitumen paved, part hard standing gravel
<b>Usage</b>	Secondary access to Industrial lots
<b>Existing Infill Development</b>	N/A

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Industrial lots only	N/A	N/A

#### COMMENTS:

- The ROW provides access to industrial lots only. While upgrading is required, it should be at the request and at the cost of the adjoining industrial owners.

#### RECOMMENDATION:

No action



**DESCRIPTION:**

<b>Location</b>	Block bound by John, Mooney, White and Irvine Streets
<b>Owner</b>	The Crown - road reserve
<b>Width</b>	5.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Developed in conjunction with 5 Mooney Street
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Industrial lots only	N/A	N/A

**COMMENTS:**

- ROW is developed in conjunction with 5 Mooney Street and provides service access and access to parking bays for this Industrial development.
- ROW is in a good condition and does not require upgrading at this time.

**RECOMMENDATION:**

No action





#### DESCRIPTION:

<b>Location</b>	Off Coode Street, between 145 & 147 Coode
<b>Owner</b>	M & A D'Alessandro
<b>Width</b>	5.03 metres
<b>Condition</b>	Part concrete paved, part not constructed
<b>Usage</b>	Provides secondary rear access to Coode and Young St properties
<b>Existing Infill Development</b>	Single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
5	834 - 1350	R25	5	100%

#### COMMENTS:

- ROW is owned by the landholders of No 4 Young Street
- ROW provides secondary rear access to lots fronting Coode Street and No 4 Young Street.
- Any infill development is to be encouraged to access the ROW, as Coode Street is a busy road.
- Slope of the land must be considered in any adjoining development and the construction of the ROW.
- Widening to be sought to provide for future 6.0m ROW – though future action is dependent upon the owner's intentions.

#### RECOMMENDATION:

**No Immediate Action**



#### DESCRIPTION:

<b>Location</b>	Between Lots 25 and 29 Slade Street, south of Guildford Road
<b>Owner</b>	Water Authority of WA
<b>Width</b>	17.5 - 23.5 metres
<b>Condition</b>	Hard standing gravel
<b>Usage</b>	Provides access to portion of the Bayswater Riverside Gardens, previously and still used in part as a rubbish dump
<b>Existing Infill Development</b>	N/A

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
2	721 - 982	R17.5/25	2	100%

#### COMMENTS:

- The ROW provides access to the portion of the Bayswater Riverside Gardens which is currently used as a rubbish dump. Access to the potential infill development of the adjoining residential lots is not appropriate.
- It is likely that this ROW will be closed once it is no longer required for its current purposes. No action to be taken at this time.

#### RECOMMENDATION:

No action



#### DESCRIPTION:

<b>Location</b>	Off Rosebery Street, to the rear of 62-66 Walter Road
<b>Owner</b>	G Mariotti
<b>Width</b>	5.05 metres
<b>Condition</b>	Hard standing gravel track
<b>Usage</b>	Service access to the adjoining commercial properties fronting Walter Road
<b>Existing Infill Development</b>	None. ROW abuts the rear of the commercial buildings fronting Walter Road

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Business zone only	N/A	N/A

#### COMMENTS:

- The owner of the ROW also owns a number of the adjoining commercial lots.
- The ROW provides service access to the Business zoned lots fronting Walter Road, however the adjoining Lot 10 Rosebery Street provides the parking for the adjoining commercial land. Service access can also be gained from this lot, which is also owned by G Mariotti.
- Given the Business zoning of all adjoining land, it is recommended that the upgrade and maintenance of the ROW remain the responsibility of the private landowner.

#### RECOMMENDATION:

No action



#### DESCRIPTION:

<b>Location</b>	Block bound by Goongarrie, Katanning Streets, River and Colwyn Roads
<b>Owner</b>	Crown land - road reserve, portion between 25 & 27 River Road is owned by Whitfords Ltd
<b>Width</b>	2.51 - 5.03 metres
<b>Condition</b>	Part bitumen paved, majority not constructed. Gates prevent access for the portion between 3 & 5 Goongarrie and 25 & 27 River Road
<b>Usage</b>	The portions off River Road and Katanning Streets are developed in conjunction with the adjoining industrial developments and are used as service access and parking
<b>Existing Infill Development</b>	N/A

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Industrial lots only	N/A	N/A

#### COMMENTS:

The ROW provides access to industrial lots only. While upgrading of the un-constructed portion is required, it should be at the request and at the cost of the adjoining industrial owners. The portion in private ownership may remain as such, unless there is further development pressure in the area.

#### RECOMMENDATION:

**No action**



#### DESCRIPTION:

<b>Location</b>	Block bound by Stuart, Alma, Crawford & York Streets
<b>Owner</b>	S Copley
<b>Width</b>	4.5 metres
<b>Condition</b>	Part bitumen paved, Part sandy track, Part hard standing gravel. Majority is sandy track, only just trafficable
<b>Usage</b>	Provides sole and secondary access to vehicle parking for single residential lots. Some rear access to grouped dwellings, not fronting onto the ROW. Direct access to three grouped dwellings.
<b>Existing Infill Development</b>	Infill development has occurred on 7 lots, 2 of which address the ROW, 5 have secondary access from the ROW.

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
39	550 - 1678	R40	35	90%

#### COMMENTS:

- The ROW appears to have regular use as primary access to vehicle parking for single residential and as secondary access to residential lots.
- Parking access from the ROW should be encouraged, partly to improve the current on-street parking problems and to maintain the streetscape. This is a recognised Character Protection Area and many of the older houses do not have driveways or carports/garages in the front of the dwelling.
- Widening of the ROW should be sought.

#### RECOMMENDATION:

**Acquire**

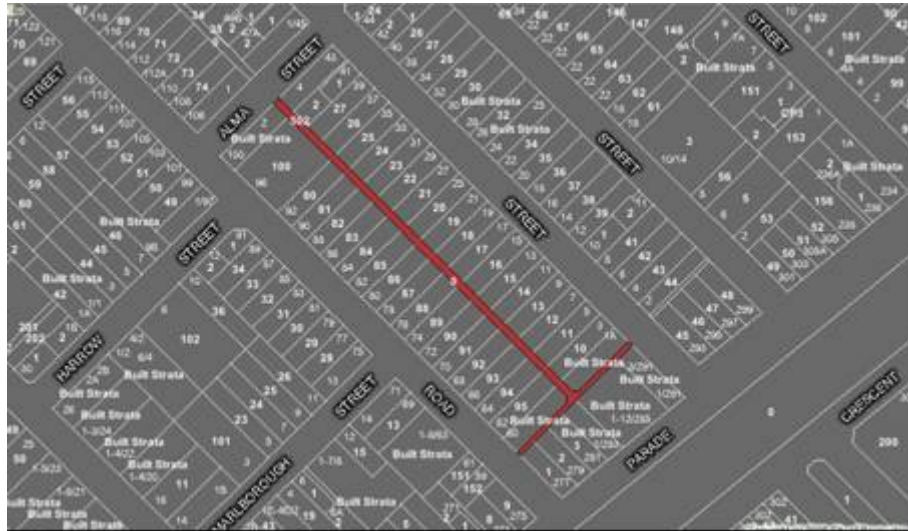
**Dedicate**

**Upgrade (High)**

**All DA's to consider access to parking areas from the ROW to maintain the streetscape**

**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Alma, Stuart Streets, Crawford Road and Railway Parade
<b>Owner</b>	S Copley
<b>Width</b>	3.0 - 4.5 metres
<b>Condition</b>	Part bitumen, part hard standing gravel, part brick paved, part sandy track
<b>Usage</b>	Sole access to vehicle parking for single residential, four lots have grouped dwellings that front directly onto the ROW, secondary access to single residential development
<b>Existing Infill Development</b>	There is infill development that accesses the ROW at 1 Stuart, 283 - 285 Railway and 58 Crawford

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
46	440 - 1677	R40	39	85%

#### COMMENTS:

- The ROW has regular use as primary access to vehicle parking for single residential and as secondary access to residential lots. There is informal parking on-street and on verge areas. The ROW also provides direct access to four grouped dwellings.
- Parking access from the ROW should be encouraged, partly to improve the current on-street parking problems and to maintain the streetscape. This is a recognised Character Protection Area and many of the older houses do not have driveways or carports/garages in the front of the dwelling.
- While it is recommended that the ROW be upgraded immediately, widening of the ROW should also be sought.

#### RECOMMENDATION:

##### Upgrade (High)

##### Acquire / Dedicate

All DA's to consider access to parking areas from the ROW to maintain the streetscape

Widening (As per the WAPC's requirements upon subdivision or infill development)



#### DESCRIPTION:

<b>Location</b>	Off Kennedy Street, Between Marlborough St and Railway Parade
<b>Owner</b>	The Crown
<b>Width</b>	2.8 metres
<b>Condition</b>	Sand and grass track, Gate adjoining 4 Kennedy Street has been removed
<b>Usage</b>	Provides access to 251A Railway Parade.
<b>Existing Infill Development</b>	2 Kennedy Street and 4 Kennedy/251 Railway have existing grouped dwelling developments that do not access the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	346 - 948	R40	None	None

#### COMMENTS:

- Of the three adjoining lots, two have existing grouped dwelling development and the remaining lot is a single residential property only.
- The ROW primary adjoins the dwelling at 4 Kennedy Street and provides the only vehicular access to 251A Railway Parade.

#### RECOMMENDATION:

**Survey for Closure**





#### DESCRIPTION:

<b>Location</b>	Off Coode Street, between 110 Coode Street and 26 Tenth Ave
<b>Owner</b>	F Willshire
<b>Width</b>	3.0 metres
<b>Condition</b>	Hard standing gravel track
<b>Usage</b>	Used solely as access to single residential dwelling at 110 Coode Street
<b>Existing Infill Development</b>	The adjoining lot 26 Tenth / 106-108 Coode has three grouped dwellings, all of which have direct road frontage and do not utilise the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	540 - 640	R40	3	75%

#### COMMENTS:

- Of the four adjoining lots, one has existing grouped dwelling development and the remaining three can accommodate further development. The ROW is used as sole access to 110 Coode Street, though could be used for infill development access at 22-24 Tenth Ave.
- Widening to be sought where possible and upgraded at time of subdivision. Ensure vehicle manoeuvrability in accessing the right of way. Action dependent on future development adjoining right of way.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgraded (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Off Coode Street, between 65 and 67 Coode Street
<b>Owner</b>	L Perron
<b>Width</b>	3.0 metres
<b>Condition</b>	Part brick paved, part not constructed
<b>Usage</b>	Provides sole access to 67 Coode Street
<b>Existing Infill Development</b>	65 Coode St/28 Tenth Ave has existing grouped dwellings, both of which have primary road frontage

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	500 - 611	R40	2	67%

#### COMMENTS:

- The adjoining lot at 28 Tenth/65 Coode has an existing grouped dwelling development and while 30 Tenth could utilise the ROW for infill development.
- Future action on this ROW dependent on the future development of the adjoining lots. Widening to be sought where possible (to 5.0m width) and upgrading at time of subdivision.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgrading (Low)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Off Coode Street, between 51A Coode and 101 Seventh
<b>Owner</b>	C H Chessel
<b>Width</b>	3.0 metres
<b>Condition</b>	Hard standing gravel track
<b>Usage</b>	Provides secondary access to a garage at 82 Sixth Ave
<b>Existing Infill Development</b>	The existing development at 51 Coode St has primary road frontage and does not used the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	623 - 1004	R40	2	67%

#### COMMENTS:

- Of the three adjoining lots, one has existing grouped dwelling development and of the two with further development potential, one has two street frontages ie. no need to use the ROW.
- The ROW appears to be used solely by the owner of 82 Sixth Ave. The adjoining owners to be surveyed to determine desirability for closure.

#### RECOMMENDATION:

##### No Immediate Action

Reconsider at time of Subdivision of Development Application  
(Potential to amalgamate into No 82 Sixth Avenue)



#### DESCRIPTION:

<b>Location</b>	Off Seventh Ave, between 78 Seventh and 201 - 211 Railway Parade
<b>Owner</b>	Charles Geddes
<b>Width</b>	3.5 - 5.0 metres
<b>Condition</b>	Part bitumen paved, part not constructed - developed in conjunction with 78 Seventh Ave
<b>Usage</b>	Appears to be used as secondary access by both adjoining owners
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
2 (res only)	453 - 809	R50	2	100%

#### COMMENTS:

- Of the three adjoining lots, one is zoned and developed for Public Purposes. The two residential lots both have development potential.
- As the ROW is in good condition for the portion that appears to be used, it may remain.
- Any application to amalgamate the portion of the ROW developed in conjunction with 78 Seventh Ave (to the rear of the existing dwelling) may be supported.

#### RECOMMENDATION:

No action



#### DESCRIPTION:

<b>Location</b>	Off First Ave To the rear of 77 & 79 Guildford Road
<b>Owner</b>	M Smith (Private)
<b>Width</b>	2.45m
<b>Condition</b>	Undeveloped, sand track, trafficable
<b>Usage</b>	Provides rear access points for 77 & 79 Guildford Road
<b>Existing Infill Development</b>	Adjoining lots are single residential only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	545 - 986	R20	1	25%

#### COMMENTS:

- Only one lot has development potential for two grouped dwellings. The ROW does not have to be used for access in this scenario.
- The ROW is in private ownership and serves two landowners.
- Secondary access from Guildford Road is encouraged.

#### RECOMMENDATION:

**No action**



#### DESCRIPTION:

<b>Location</b>	Off First Avenue, Mount Lawley Block bound by Guildford Rd, Whatley Cres, First & Second Ave
<b>Owner</b>	S E Bain (Private)
<b>Width</b>	5.31 metres
<b>Condition</b>	Brick Paved. Poorly maintained landscaping.
<b>Usage</b>	Provides access to the duplex development at 72 Whatley Cres.
<b>Existing Infill Development</b>	Duplex development at 72 Whatley Crescent, 2 / 2A First Avenue (both units have direct road frontage).

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	608 - 2483	R50	3	75%

#### COMMENTS:

- 2483 m2 lot is zoned for Service Station and Business uses - does not need to utilise the ROW;
- Both 72 Whatley Crescent and 2 First Ave have grouped dwellings, but are not developed to their full potential (R50 density), therefore further development is a possibility;
- Given that only one lot is likely to want access to this ROW in the near future, it can remain in private ownership and be worked out between the two landowners utilising the access.

#### RECOMMENDATION:

**No action**





#### DESCRIPTION:

<b>Location</b>	Between 35 and 37 Fourth Ave East, Maylands
<b>Owner</b>	C G Eddy
<b>Width</b>	3.04 metres
<b>Condition</b>	Undeveloped, part of residential lot
<b>Usage</b>	Forms part of 37 Fourth Ave East, Maylands
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
2	613 - 778	R50	2	100%

#### COMMENTS:

ROW is not in use and forms part of 37 Fourth Ave East. With the permission of the adjoining landowner, it should be closed and offered for sale to the owners of 37 Fourth Ave East. Should the adjoining owner object to this proposal, it could be divided and half sold to each, however this will create an irregularly shaped lot.

#### RECOMMENDATION:

**Survey for Closure**



#### DESCRIPTION:

<b>Location</b>	Off Conroy Street, to the rear of 43 & 45 Central Avenue
<b>Owner</b>	J Bourne & B Lilburne
<b>Width</b>	3.01 metres
<b>Condition</b>	Brick paved
<b>Usage</b>	Provides sole rear access to 43 and 41 Central Avenue
<b>Existing Infill Development</b>	Single residential fronting Central Ave and an existing grouped dwelling at 14 Conroy Street.

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	521 - 4591	R30, R50	None	None

#### COMMENTS:

- The 4591m<sup>2</sup> lot is developed in accordance with its density code and the lots fronting do not have sufficient lot areas for grouped dwelling development.
- The access, manoeuvring and parking space for the grouped dwelling is contained wholly within 14 Conroy Street and does not utilise the ROW.
- ROW provides access to the rear of 43 Central Ave and these adjoining property owners hold the title for the ROW.

#### RECOMMENDATION:

No action



#### DESCRIPTION:

<b>Location</b>	Off Deeley Street, in the block bound by Deeley & Conroy Streets, Fourth Ave East and Central Ave
<b>Owner</b>	Gold Estates of Australia 1903
<b>Width</b>	5.0m
<b>Condition</b>	Bitumen paved and drained, good condition
<b>Usage</b>	Provides access to the parking spaces for the grouped dwelling at 8 Deeley Street
<b>Existing Infill Development</b>	Existing grouped dwelling at 8 Deeley Street that utilises ROW as access. Direct access to carports of dwelling units at 8 Deeley Street. 12 Deeley Street has been developed with direct frontage to the ROW. 19 Fourth Ave East have access gates to the rear of their properties onto the ROW.

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	649 - 3038	R50	3	75%

#### COMMENTS:

The existing 3038m<sup>2</sup> lot is developed to its full capacity. 12 Deeley Street has been developed with direct access to the ROW. Two other lots are currently single residential and all have the potential for grouped dwelling development, which may utilise the existing ROW as access. Gold Estates, the owner of the ROW, was the original developer of the land in the early 1900s.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Block bound by Deeley and View Streets, bound by Fourth Ave East and Central Ave
<b>Owner</b>	Gold Estates of Australia 1903
<b>Width</b>	5.0 metres
<b>Condition</b>	Undeveloped, only just trafficable in parts
<b>Usage</b>	Some rear access to single residential dwellings
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
7	222 - 1114	R30, R50	6	86%

**COMMENTS:**

- Majority of the lots adjoining have development potential and could utilise the ROW as access.
- Further widening of the ROW may be inhibited by the nil setback of existing dwellings.
- Gold Estates, the owner of the land, was the original developer of the area in the 1900s.
- ROW should be dedicated as public land and developed / maintained by the City.

**RECOMMENDATION:**

**Acquire**  
**Dedicate**  
**Upgrade (Medium)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Off View Street, in block bound by View, Deeley, Central Ave and Fourth Ave East
<b>Owner</b>	C Murdoch
<b>Width</b>	3.01 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides access to the parking spaces for the grouped dwellings at 29 Central Ave, 25 Central Ave and 2 View Street
<b>Existing Infill Development</b>	Infill development at 25 & 29 Central Ave and 2 View Street which utilises the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	539 - 2739	R30	None	None

#### COMMENTS:

- All lots adjoining are developed to their maximum capacity.
- The owner of the ROW does not own any of the adjoining properties. As such, the ROW should be dedicated as public land for the use of the adjoining owners.
- No capacity to seek widening, which may preclude dedication, however should come under the control of the City.

#### RECOMMENDATION:

**Acquire**  
**Dedicate**





**DESCRIPTION:**

<b>Location</b>	Off View Street in block bound by View Street, Central Ave, Fourth Ave East and East Street
<b>Owner</b>	Gold Estates of Australia 1903
<b>Width</b>	3.0 metres
<b>Condition</b>	Undeveloped
<b>Usage</b>	Not utilised, forms part of residential lot at 1 View Street
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
4	521 - 562	R30	None	None

**COMMENTS:**

- ROW does not exist on the ground and forms part of the single residential lot at 1 View Street.
- Adjoining lots do not have development potential. As such, ROW could be closed and amalgamated with the adjoining property.

**RECOMMENDATION:**

**No action**

**No Closure in Immediate future. Closure would be appropriate in longer term. Reconsider at time of Development or Subdivision**





#### DESCRIPTION:

<b>Location</b>	Off East Street, bound by Kirkham Hill Terrace, Elizabeth Street, East Street and Central Ave
<b>Owner</b>	Gold Estates of Australia 1903
<b>Width</b>	3.0 metres
<b>Condition</b>	Undeveloped and gate at East Street end to prevent access
<b>Usage</b>	Not used
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
5	576 - 1253	R30	None	None

#### COMMENTS:

- The only lot with development potential at 14 East Street has been developed to its maximum capacity. The other adjoining lots do not have sufficient lot areas for grouped dwelling development.
- The gate to the end of the ROW prevents access to the land.
- ROW to be surveyed for closure.

#### RECOMMENDATION:

**No action**  
**Close in longer term**  
**Further Access from ROW not to be supported**



#### DESCRIPTION:

<b>Location</b>	Between East and Elizabeth Street, on block bound by Central Ave and Peninsula Road
<b>Owner</b>	A S Lee (portion running north-east) S D Dawe (between East & Elizabeth)
<b>Width</b>	3.1m - 5.03m
<b>Condition</b>	Undeveloped. The portion between East & Elizabeth is a track only, but is trafficable. The portion running northeast is not used and not trafficable.
<b>Usage</b>	Four single residential properties have access gates, no other use
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

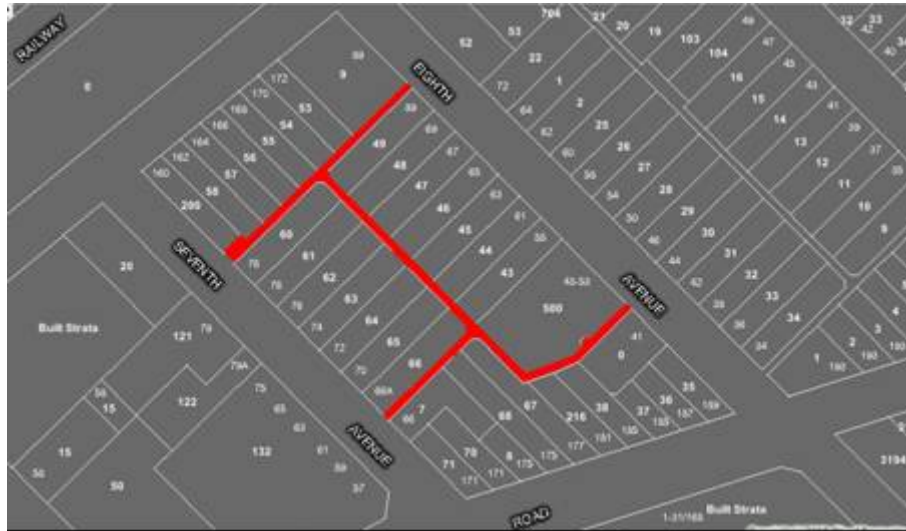
No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
13	520 - 2025	R30	4	30%

#### COMMENTS:

- The 2025m<sup>2</sup> lot has been developed to the maximum capacity and the lots fronting Central Ave do not have sufficient land areas for grouped dwelling development. There is an existing duplex on one of the lots identified as having development potential, however this lot could be further developed.
- There has been no pressure to use the ROW as access to infill development to date, however in the longer term the ROW could be acquired / dedicated and developed. Widening to be sought where possible.

#### RECOMMENDATION:

Acquire  
Dedicate  
Upgrade (Medium)  
Widening (As per the WAPC's requirements upon subdivision or infill development)



#### DESCRIPTION:

<b>Location</b>	Block bound by Eighth and Seventh Avenues, Guildford Road and Whatley Crescent
<b>Owner</b>	Crown Land - Road Reserve
<b>Width</b>	3.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Used as access throughout the commercial area
<b>Existing Infill Development</b>	Largely single residential and commercial development adjoining

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
10 (res)	464 - 592	R40, R50	10	100%

#### COMMENTS:

- The land is dedicated as a road reserve (right-of-way).
- All residential lots adjoining have development potential. The commercial land may also be further developed.
- This ROW is addressed in the Maylands Business Precinct Study, which considers the future development of the ROW. All actions on this ROW must consider the outcomes of this Precinct Study.

#### RECOMMENDATION:

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Eighth and Ninth Avenues, Guildford Road and Whatley Crescent
<b>Owner</b>	Crown land - Road Reserve
<b>Width</b>	3 - 6 metres
<b>Condition</b>	Developed, bituminised
<b>Usage</b>	Provides access to adjoining commercial development
<b>Existing Infill Development</b>	None

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
9 (res)	556 - 592	R40	9	100%

#### COMMENTS:

- All residential lots have development potential. Commercial lots may also be developed, though this has not been considered in the assessment.
- The ROW is dedicated as road reserve (right-of-way).
- This ROW is addressed in the Maylands Business Precinct Study, which considers the future development of the ROW. Any action on the ROW must consider the outcomes of this study.

#### RECOMMENDATION:

**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Whatley Crescent, Rowlands Street, Warnes Street and Ninth Ave
<b>Owner</b>	Crown land - road reserve
<b>Width</b>	3.6 - 4.0 metres
<b>Condition</b>	Part bitumen, remainder is track only
<b>Usage</b>	Access to 222 Whatley Crescent
<b>Existing Infill Development</b>	Some grouped dwelling development, one with direct access to ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
13 (res)	223 - 2940	R40 - R50	8	62%

#### COMMENTS:

- In addition to the 13 residential lots, there are also 4 'Business' zoned lots abutting. The 2940m<sup>2</sup> lot at 222 Whatley Crescent has been developed to its maximum potential. Eight of the residential lots have sufficient area for grouped dwelling development.
- This ROW may be considered in the latter stages of the Maylands Business Precinct Study.
- The land is dedicated as road reserve (right-of-way), however it should be scheduled for development in the near future, pre-empting the future development of the adjoining lots.

#### RECOMMENDATION:

**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block between Foundry and Morrison Streets, Guildford Road and Caledonian Ave
<b>Owner</b>	M Ferguson
<b>Width</b>	5.03 metres
<b>Condition</b>	Part developed - bituminised and brick paved, portion undeveloped
<b>Usage</b>	Part of the ROW provides access to infill development and portion of the ROW does not exist
<b>Existing Infill Development</b>	There is existing infill development at 98 - 102 Caledonian & Lot 46 Foundry and the portion of the ROW abutting these lots is developed. The portion of the ROW to the rear of Lots 45-46 Foundry does not exist and is not used. The ROW to the rear of 7-9 Morrison Street does not exist on the ground, while the ROW to the rear of 11-17 Morrison Street is undeveloped and provides access to the rear of the single residential lots only.

<b>Existing Infill Development (continued)</b>	The ROW to the side of 7 Morrison Street is developed and provides access to the grouped dwelling developments at 261-265 Guildford Road.
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#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
16 (res)	370 - 1831	R50	9	56%

#### COMMENTS:

- Of the 16 residential lots adjoining, seven have grouped dwelling developments that utilise an existing ROW. Of the remaining nine lots, at least seven have the potential for further grouped dwelling development that may utilise the ROW.
- Given the development potential of the land, all parts of the ROW should be acquired / dedicated and the City should schedule the construction of the ROW as a high priority.
- It is noted that M Ferguson, the owner of the land, is likely the original developer of the land ie. Ferguson Estate associated with the Ferguson Foundry (c. 1899).
- It is noted that, as the ROW has a current width of 5.0 metres, this could be sufficient. However, widening should be sought where possible to achieve a width of 6.0 metres.
- Council at its meeting held on 30 January 2007 initiated the necessary actions to close the portion of the ROW to the rear of Lot 7 & 8 Guildford Road.

#### RECOMMENDATION:

**Acquire & Dedicate**  
**Part closure**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**





#### DESCRIPTION:

<b>Location</b>	Block bound by Morrison, Foundry and Ferguson Streets and Guildford Road
<b>Owner</b>	M Ferguson
<b>Width</b>	5.04 metres
<b>Condition</b>	Portion of ROW is developed - bituminised and brick paved, the remainder is a sand track only.
<b>Usage</b>	The ROW provides access to five dwellings to the rear.
<b>Existing Infill Development</b>	Grouped dwelling development at above properties - three dwellings front onto the ROW

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
22 (res)	502 - 1003	R50	19	86%

#### COMMENTS:

- Of the 25 lots abutting the ROW, 3 are zoned for 'Business' purposes and 3 have existing grouped dwellings. The remaining lots have potential for grouped dwelling development. As such, upgrading to be scheduled as a high priority and widening sought where possible.
- The owner of the land, M Ferguson, is likely the original developer of the land ie. Ferguson Estate in association with Ferguson Foundry (c.1899).

#### RECOMMENDATION:

**Acquire**  
**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Block bound by Holm, Ferguson & Charles Streets and Guildford Road
<b>Owner</b>	The Crown
<b>Width</b>	4.57 metres
<b>Condition</b>	Portion is undeveloped and portion is bituminised
<b>Usage</b>	Provides rear access to grouped dwellings at 32 and 36 Ferguson Street
<b>Existing Infill Development</b>	Four infill dwellings with access to the ROW have been developed

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
28 (res)	557 - 559	R40, R50	24	86%

#### COMMENTS:

Of the 32 lots adjoining the ROW, 4 are zoned for 'General Industrial' purposes. Of the 28 residential lots, at least 4 have existing grouped dwelling developments. The remaining 24 lot have potential for grouped dwelling development that may utilise the ROW as access. Upgrading to be scheduled as a high priority and widening sought where possible.

#### RECOMMENDATION:

**Dedicate**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



**DESCRIPTION:**

<b>Location</b>	Block bound by Whatley Cres, Charles, Ferguson and Holm St
<b>Owner</b>	Civil Surveys Pty Ltd
<b>Width</b>	4.5 metres
<b>Condition</b>	Undeveloped, gravel and sand track, trafficable
<b>Usage</b>	Some dwellings fronting onto the ROW, primarily rear access to single residential, rear access to General Industrial land fronting Whatley Crescent
<b>Existing Infill Development</b>	Five infill dwellings with access to the ROW have been developed

### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
29 (res)	557-559	R40	26	89%

**COMMENTS:**

- Of the 29 residential lots abutting, three have existing grouped dwelling developments. There are 9 General Industrial lots fronting Whatley Crescent, though Council has granted final approval to rezone portion of this land for residential development. This request is currently with the Minister for final approval. It is noted that the development will result in portion of the ROW being developed for access to the dwelling units.
- The City has had problems with developments proposing to utilise this particular ROW, because the ROW is private land and not constructed.
- Given the development potential of the adjoining lots and the likelihood that this ROW will be used as access for the infill development, it should be acquired / dedicated as public land and scheduled for construction as a high priority.

**RECOMMENDATION:**

**Consider closure and amalgamation of portion adjacent to Lot 49**  
**Acquire balance of ROW**  
**Dedicate balance of ROW**  
**Upgrade (High)**  
**Widening (As per the WAPC's requirements upon subdivision or infill development)**



#### DESCRIPTION:

<b>Location</b>	Between Bishop and Progress Streets
<b>Owner</b>	City of Bayswater
<b>Width</b>	10.0 metres
<b>Condition</b>	Bitumen paved and drained, landscaped
<b>Usage</b>	Used as a local road providing access to parking bays and as a landscaped pedestrian walkway within the Morley City Centre
<b>Existing Infill Development</b>	Commercial uses only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 23 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	No residential uses	N/A	N/A

#### COMMENTS:

- The ROW is developed as part of the Morley City Centre, providing vehicle access to parking areas and pedestrian walkways through to the commercial areas fronting Progress Street.
- While the development potential of adjoining land has not been assessed, the ROW is located in Precinct No 12, which permits multiple dwellings and serviced apartments. As the ROW is developed as a local road, future residential developments should not impact on the ROW.

#### RECOMMENDATION:

No action



**DESCRIPTION:**

<b>Location</b>	Between 38 and 40 Central Avenue
<b>Owner</b>	N Vidovich & M Di Biase
<b>Width</b>	1.1 - 3.0 metres
<b>Condition</b>	Undeveloped, forms part of the adjoining lot 38 Central Avenue
<b>Usage</b>	No. 205 Peninsula road has a gate to the ROW
<b>Existing Infill Development</b>	None

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3	368 - 738	R30	1	33%

**COMMENTS:**

As the ROW adjoins the only lot with development potential and is owned by the same landowner, it should be closed (if necessary) and amalgamated with the adjoining lot.

**RECOMMENDATION:**

**No Action**

**Possible Closure if and when ROW no longer used for rear access. Alternatively City could acquire in future dependant upon owners wishes.**





#### DESCRIPTION:

<b>Location</b>	Off Progress Street, between No 2 and No 4
<b>Owner</b>	Morley Park Investments
<b>Width</b>	9.39 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides service access to adjoining commercial development, including the rear of the Morley Markets shopping centre
<b>Existing Infill Development</b>	Commercial development only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 23 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	No residential uses	N/A	N/A

#### COMMENTS:

- The ROW is developed as part of the Morley City Centre, providing service access to the adjoining commercial developments.
- While the development potential of adjoining land has not been assessed, the ROW is located in Precinct No 12, which permits multiple dwellings and serviced apartments. As the ROW is developed as a service access only, it is unlikely to be used as access to future residential developments.
- Notwithstanding, as it is likely to be used as part of the Morley City Centre, it should be acquired or dedicated, such that it comes under the control of the City.

#### RECOMMENDATION:

Acquire  
Dedicate





#### DESCRIPTION:

<b>Location</b>	Off Wellington Road, between 1-5 Wellington and 257-259 Walter Road West
<b>Owner</b>	The Crown
<b>Width</b>	6.05 - 18.11 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides service and parking access to the commercial development at 1-5 Wellington Road
<b>Existing Infill Development</b>	Commercial uses only

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 23 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	No residential uses	N/A	N/A

#### COMMENTS:

- The ROW is developed as part of the Morley City Centre, providing service access to the adjoining commercial development at 1-5 Wellington Road.
- While the development potential of adjoining land has not been assessed, the ROW is located in Precinct No 2, which permits grouped and multiple dwellings. As the ROW is developed as a service and parking access for one lot only, it is unlikely to be used as access to future residential developments.

#### RECOMMENDATION:

**Dedicate**



**DESCRIPTION:**

<b>Location</b>	Between Rothbury and Maurice, to the rear of 41-49 Rothbury Rd
<b>Owner</b>	The Crown
<b>Width</b>	6.1 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Developed in conjunction with the adjoining commercial uses, provides service and parking access
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	No residential lots	N/A	N/A

**COMMENTS:**

- The ROW abuts the Embleton Golf Course and the shops on the corner of Rothbury and Maurice Street. It is developed and used in conjunction with these shops.

**RECOMMENDATION:**

No action

CITY OF BAYSWATER  
Rights of Way Study

FINAL REPORT  
ASSESSMENT SHEET

Reference No: 121



DESCRIPTION:

Location	Between Halvorson & Vera Streets
Owner	City of Bayswater and Water Authority of WA
Width	5.03 – 15.09 metres
Condition	Part concrete paved, part vacant land
Usage	Used as a pedestrian accessway abutting the Water Corporation drainage reserve.
Existing Infill Development	None

DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3 (res only)	697 - 811	R20/25	2	67%

COMMENTS:

Portion of the ROW is used as a pedestrian accessway while the remainder is vacant land. Both the current and the new Scheme zones that portion of the ROW listed as 19 Vera Street, owned by the City, as a Reserve for Local Public Open Space. The land is currently maintained by the City and no further action is required.

RECOMMENDATION:

No action



**DESCRIPTION:**

<b>Location</b>	Off Lincoln Road and McGilvray Avenue
<b>Owner</b>	The Crown
<b>Width</b>	5.0 metres
<b>Condition</b>	Bitumen paved and drained
<b>Usage</b>	Provides service and parking access to the adjoining commercial development
<b>Existing Infill Development</b>	Business land only

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Business lots only	N/A	N/A

**COMMENTS:**

The ROW provides service access and parking access for the adjoining commercial development. It is of a good standard.

**RECOMMENDATION:**

No action



#### DESCRIPTION:

<b>Location</b>	Block bound by Moojebing St, Goongarrie St, Katanning St and Guildford Road
<b>Owner</b>	Whitfords Ltd
<b>Width</b>	5.03 metres
<b>Condition</b>	Part not constructed, part bitumen paved
<b>Usage</b>	The portion that is bitumen paved is developed in conjunction with 10-12 & 14-16 Moojebing Street. The remainder is part of a vacant lot at 9-11 Katanning Street
<b>Existing Infill Development</b>	N/A

#### DEVELOPMENT POTENTIAL:

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
N/A	N/A	Industrial lots only	N/A	N/A

#### COMMENTS:

The ROW provides access to industrial lots only. While upgrading of the un-constructed portion is required, it should be at the request and at the cost of the adjoining industrial owners. At the request of the owners, the land may also be acquired or dedicated such that it comes under the control of the City.

#### RECOMMENDATION:

**No action**

**Acquisition and Dedication appropriate in future dependant upon owners wishes**



**DESCRIPTION:**

<b>Location</b>	Adjoining Norco Way
<b>Owner</b>	Samuel Moore
<b>Width</b>	4.26 metres
<b>Condition</b>	Not constructed
<b>Usage</b>	Vacant land
<b>Existing Infill Development</b>	N/A

**DEVELOPMENT POTENTIAL:**

No. of lots abutting	Lot sizes (range) m <sup>2</sup>	TPS No 24 R-Code	No. of lots with development potential	% of lots with development potential
3 (res)	696 – 826	R17.5/25	1	33%

**COMMENTS:**

- This right of way is vacant land and does not exist on the ground. It adjoins in part a Council Reserve for public recreation and runs along the rear boundary of three Stone Street properties.
- While only one lot has development potential, the sale of the right of way and amalgamation into the adjoining lots will allow the subdivision of all of the Stone Street properties to create lots fronting Norco Way. This is an ideal form of development and the right of way should be surveyed for closure.

**RECOMMENDATION:**

**Survey for Closure**



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# APPENDIX 2

## Process for Dedication, Acquisition & Closure

### PROCESS FOR DEDICATING A RIGHT OF WAY AS A PUBLIC ROAD

This procedure outlines Council's requirements for the dedication of private rights of ways as a public road, and has regard to the requirements of the Department of Land Information and the Western Australian Planning Commission.

1. A private right of way may be dedicated as a public road under Section 56 of the Land Administration Act 1997. This may occur on:
  - a) the request of the owner of the street or right of way made to the local government;
  - b) the request of the owners of rateable property abutting the street or right of way or at least the owners of more than one half of the sum of the rateable values of the abutting properties; or
  - c) the request of the Local Government, where the public has had uninterrupted use of the street or right of way for a period of not less than ten years.
2. A report to Council is to be prepared to initiate the process for dedicating a right of way as a public road. It is noted that there is no requirement to advertise the proposed dedication for public comment, however it is recommended that all adjoining owners be advised of the proposal and given an opportunity to comment.
3. Following Council's resolution to initiate the dedication process, all adjoining owners, the owner of the land if applicable and all servicing agencies are to be advised of the proposal and provided 30 days to comment.
4. If objections are received, a further report to Council will be required to consider whether to proceed with the dedication of the land.
5. Where no objections are received or when the Council resolves to proceed with the dedication process, a request must be forwarded to the Minister for Land Information with the following information:
  - a) Written confirmation that the local government has resolved to make the request, details of the date when the resolution was passed and any other information relating to that resolution that the Minister may require;

- b) If an application is made by an owner of a private right of way or the owners of the abutting properties, a copy of the application and details of the rateable value of all land relevant to the application;
- c) Where land has been used as a private road and the public has had uninterrupted use for a period of not less than 10 years:
  - (i) Written confirmation that the public has had interrupted use of the private road for a period of not less than 10 years;
  - (ii) A description of the section or sections of the public who have had that use; and
  - (iii) A description of how the private road is constructed;
- d) Copies of any submissions relating to the request that the local government has received and the local government's comments on those submissions;
- e) Any other information the local government considers relevant to the Minister's consideration of the request; and
- f) Written confirmation that the local government has complied with section 56(2) of the Act, which requires that the request is prepared and delivered in accordance with the regulations and the Minister is provided with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

#### **PROCESS FOR ACQUIRING A PRIVATE ROAD AS CROWN LAND**

1. Under Section 52 of the Land Administration Act, a local government may request the Minister for Land Information to acquire any private road or right of way as Crown land.
2. A report to Council is to be prepared to initiate the process for acquiring a private right of way as Crown land.
3. Following Council's resolution to initiate the acquisition process, the following public advertising must be undertaken:
  - a) Take all reasonable steps to give notice of the intention to acquire the land to the owner of the freehold land and the owners of the land abutting the subject road or right of way;
  - b) Advise all suppliers of public utility services to the subject land;
  - c) Notify the Western Australian Planning Commission of the proposal and seek approval; and
  - d) Provide a 30 day comment period from the date of the notice that persons may lodge an objection to the proposal.
4. When objections to the proposal are received, a further report to Council is required to consider whether to proceed with the acquisition process.
5. Where no objections to the proposal are received or when Council resolves to proceed with the acquisition process, a request to the Minister for Land Information must be prepared, including the following information:

- a) Written confirmation that the local government has resolved to make the request, details of the date when the resolution was passed and any other information relating to that resolution that the Minister may require;
- b) Written reasons as to why the local government proposed to request the Minister to acquire the subject land, including details on the owner of the land and any attempts to locate or contact this owner;
- c) A plan of survey or sketch plan showing the subject land and its future disposition, approved by the Western Australian Planning Commission;
- d) Copies of all objections received during public advertising and Council's comments on these objections;
- e) Any other information the local government considers relevant to the Minister's consideration of the request; and
- f) Written confirmation that the local government has complied with the requirements of Section 52 of the Act.

## **PROCESS FOR CLOSING A ROAD OR RIGHT OF WAY**

This procedure outlines Council's requirements for the closure of roads or rights-of-way and the disposal of the resultant land.

### **Part A - Initiation of Closure Procedures**

1. Where a right of way has been recommended for closure within the Right of Way Study or an adjoining landowner makes a request for closure, the City is to consider whether closure of the right of way is warranted and may resolve to initiate closure procedures.

2. Any requests from landowners to close a right of way will take into consideration the recommendations of the Study. Applications to close rights of way that have been recommended for retention and/or upgrading will not be supported.
3. Prior to presenting a report to Council detailing the closure request, all adjoining landowners are to be surveyed to determine the desirability of closing the right of way. The survey to landowners will include a draft plan detailing how the land will be divided between the individual lots.
4. A report to Council is to be submitted, detailing the recommendation of the Right of Way Study, the justifications for closure, the results of the landowner survey, the draft plan showing the disposal of land and comments on any servicing corridors or easements.
5. Should Council resolve to proceed with the closure, the procedure in Part B is to be commenced. Should Council resolve not to proceed with the closure, further requests to close the right of way will not be considered within two years of the resolution date.

### **Part B - Closing a Right of Way**

1. Following Council's resolution to close the right of way, correspondence including the justification report (and outcomes of initial community consultation) and the draft subdivision plan is to be forwarded to the Western Australian Planning Commission and the Department of Land Information for comment.

Should the WAPC not give its consent to the proposed closure, then no further action will occur. DOLA will not support an application for closure unless it has first been approved by the WAPC. DOLA is to be requested to commence land valuations at this time.

2. Following the initial support of the WAPC, public comments should be sought on the proposed closure for a period of 30 days by:
  - The placement of an advertisement in a community newspaper;
  - The placement of signs on site advising of the proposed closure, where further information may be obtained and how persons may make a submission;
  - Advise the relevant servicing authorities;
  - Further notification to adjoining landowners on the process and providing further opportunity to comment.
3. Following completion of the advertising period and receipt of comments from the WAPC & DOLA, Council shall consider all submissions and resolve whether or not to proceed with the closure.
4. If Council resolves not to proceed with the closure, all persons having made a submission and all relevant government agencies shall be advised of this resolution.
5. If the Council resolves to proceed with the closure, the WAPC is to be advised of the resolution, given that this authority has given its support for the closure, and all relevant information is to be forwarded to DOLA. This will include:

- Details of the consultation process and summary of public submissions received;
- Copies of letters from the adjoining landowners regarding the future disposal of the land;
- Copies of letters from servicing agencies and comments of the WAPC;
- A sketch plan showing the proposed land disposal;
- Council's resolution to proceed with closure of the right of way.

# APPENDIX 3

## Approach of Other Local Authorities

### REVIEW OF OTHER LOCAL AUTHORITIES APPROACHES

Local Authority	Approach	Primary access from ROW is conditional	Has an Upgrade Program and assumes full responsibility for all works	Has an Upgrade Program supplemented by landowner contributions	Owner/ developer pays for works up-front	Owner/developer pays for works at time of subdivision or development	Council pays for all works on private ROW	Council makes a contribution for works on private ROW
Town of Victoria Park	<ul style="list-style-type: none"> <li>Most private ROW have been resumed or dedicated by the Council;</li> <li>Council requires all owners utilising a ROW to pay a pro-rata contribution (cost of constructing half the width of the ROW along the length of the property). These monies are held in a designated fund for construction of ROW's and in the interim, the Council will maintain or improve the ROW to a serviceable or trafficable standard (recycled road base).</li> <li>The Council will only permit primary access from a ROW where legal rights exist, the ROW is already paved / drained or is identified for upgrading in the upcoming financial year (and is trafficable by a 2 wheel vehicle). The Council may permit primary access from a ROW where it is unsealed, but has no prospect for closure.</li> </ul>							
City of Perth	<ul style="list-style-type: none"> <li>Has acquired land through resumption under the LAA 1997 or has sought Crown land to be vested in Council;</li> <li>Council bears full costs for construction and maintenance and does not seek to recoup costs</li> </ul>						N/A	N/A



Local Authority	Approach	Primary access from ROW is conditional	Has an Upgrade Program and assumes full responsibility for all works	Has an Upgrade Program supplemented by landowner contributions	Owner/ developer pays for works up-front	Owner/developer pays for works at time of subdivision or development	Council pays for all works on private ROW	Council makes a contribution for works on private ROW
City of Subiaco	<ul style="list-style-type: none"> <li>All ROW are Council owned, developed and maintained. No efforts to recoup costs.</li> </ul>						N/A	N/A
City of Stirling	<ul style="list-style-type: none"> <li>Five (5) categories of ROW - different management techniques for each category.</li> <li>Where a ROW is sealed and drained, Council seeks a cash-in-lieu contribution at subdivision / development stage equivalent to the cost of paving and draining a 3.0m width of ROW abutting the development.</li> <li>If a ROW is unsealed, owners are required, at the time of development or subdivision, to seal and drain the ROW adjacent to their lot and make trafficable to the nearest street.</li> <li>Developments which do not front the ROW (i.e. ROW not used as primary access) are also required to make a cash-in-lieu contribution.</li> <li>Widening is sought for majority of ROW to a width of 6.0m.</li> </ul>							
City of Nedlands	<ul style="list-style-type: none"> <li>Primary access via a ROW to a subdivision / development requires that the developer pave, kerb, drain and illuminate the ROW from the nearest gazetted road to the furthestmost lot boundary.</li> <li>Secondary access via a ROW requires that owners contribute 50% of costs to construct a portion of standard ROW 4m x 20m in area - these monies are placed in a reserve account for future upgrading.</li> <li>Council allocated approx \$100,000 in each budget for upgrading of ROW over a 20 year program. These monies are supported by the contributions from owners and properties as a condition of development.</li> </ul>							

Local Authority	Approach	Primary access from ROW is conditional	Has an Upgrade Program and assumes full responsibility for all works	Has an Upgrade Program supplemented by landowner contributions	Owner/ developer pays for works up-front	Owner/developer pays for works at time of subdivision or development	Council pays for all works on private ROW	Council makes a contribution for works on private ROW
Town of Vincent	<ul style="list-style-type: none"> <li>Upgrading of ROW is generally initiated at the request of landowners. The Council will contribute 1/3 of the cost of upgrading private ROW and the owners must sign a declaration stating they are prepared to contribute equally to 2/3 of the cost of upgrading the ROW. If ALL owners sign the declaration, an up front payment is required within 30 days.</li> <li>Pensioners receive a 50% rebate on these costs.</li> <li>Once monies are received, Council will undertake the works.</li> <li>Developers required to upgrade a ROW as a condition of subdivision or development approval are not eligible for a ROW subsidy.</li> </ul>							
City of South Perth	<ul style="list-style-type: none"> <li>South Perth has an officer on staff to deal specifically with ROW issues.</li> <li>Initial approach in 1991 was to close as many ROW as possible to eliminate fire and health hazards and reduce criminal activities in the lanes.</li> <li>Approach has now changed as many ROW were not supported for closure by adjoining landowners.</li> <li>Use of a cost benefit ratio to calculate the priority of works. Council budgeted approx \$300,000 per year over five years for upgrading of public or Council owned ROW only.</li> <li>Private ROW must be paved and drained at full cost to the adjoining owners. Council will not assume maintenance of private ROW.</li> <li>Council will only allow primary access to parking areas or grouped dwellings from a ROW when it is paved and drained to the satisfaction of the Council.</li> </ul>							

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Town of Cambridge	<ul style="list-style-type: none"> <li>Where a ROW is bituminised for at least 50% of its length or developers wish to build 50% of the length, Council will take over the care, control and management of the ROW and Council will accept responsibility for upgrading of the remainder of the ROW through the capital works program.</li> <li>Council have a budget allowance of approx \$100,000 per year for upgrading ROW. The upgrading is based on a priority program for redevelopment based on standard of development, nature of use and flooding. If owners wish to construct ahead of program of upgrading, must comply with above option of constructing 50%.</li> </ul>							
Town of Mosman Park	<ul style="list-style-type: none"> <li>Requires contribution at subdivision or development stage to construction / upgrading and street lighting of ROW.</li> <li>Subdivision or development will only be supported if acceptable vehicle access in both directions can be adequately demonstrated.</li> <li>Requires widening to be ceded to bring the ROW to a width of 5.0 - 6.0m.</li> <li>All private ROW have been transferred to the Crown.</li> <li>All ROW dedicated as underwidth roads.</li> </ul>							

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