

LOCAL PLANNING POLICY 7

VEHICLE ACCESS TO PROPERTIES VIA A RIGHT-OF-WAY

1. AIM

Determination of the circumstances under which the Council may permit or require vehicle access to be provided to a property via a right of way.

2. POLICY

- i. Approval will be granted for vehicular access to a lot adjoining a right-of-way provided
- ii. The property has legal access to the right-of-way and the onus is upon the applicant to demonstrate that legal access exists;
- ii. The status of the right-of-way is such that :
 - a) the whole or portion of the right-of-way already asphalt or concrete paved and drained from a street up to and along the rear of the property (as identified in the Right-of-Way Strategy Plan as adopted by Council); or
 - b) the whole or portion of the right-of-way is to be paved and drained by Council in the current financial year and in the interim right-of-way is trafficable by a two wheeled drive vehicle; or
 - c) the whole or portion of the right-of-way is unsealed but has no long term prospect for closure (as identified in a Right-of-Way Strategy Plan as adopted by Council) due to the fact that it provides essential means of vehicular access to existing development abutting the right-of-way. The applicant/owner of the property is required to make a financial contribution to the future construction and drainage of the right-of-way to an ultimate standard of asphalt or concrete paving, based on a pro-rata contribution. The pro-rata contribution is to be based on the cost of constructing half the width of the right-of-way which abuts the total length of the common boundary or boundaries of the lot with the right-of-way and the construction will be on a rate per lineal metre of construction determined by Council's Street Life Business Unit and reviewed on an annual basis.

"(the contributions made will be held in a designated fund for the construction of rights-of-way and in the interim Council will undertake to maintain or improve the right-of-way to a serviceable and trafficable standard)."

Where an application is made for vehicular access to a lot adjoining a right-of-way and that right-of-way or portion of right-of-way is currently the subject of closure action or potentially could be closed at some time in the future (as identified in a Right-of-Way Strategy Plan adopted by Council) the application is to be referred to Council for determination and part of Council's assessment to determine whether access should be permitted will involve consultation with all the owners/occupiers of land abutting the right- of-way.