# Laneway Closure Policy

Guideline

## 1 Purpose

The purpose of this guideline is to provide further guidance to the community, Elected Members, and Council team members around the processing and requirements of laneway closures.

## 2 Definitions

For the purpose of this Guideline, the following definitions apply:

| Term | Definition |
|---|---|
| Active Transport | Relates to physical activity undertaken as a means of transport. It includes travel by foot, bicycle, motorised scooters, and non-motorised vehicles. |
| Anti- Social Behaviour | Relates to shouting, swearing or fighting which inflicts significant detriment to surrounding residents. Intimidation through threats or actual violence and causing damage to property or imposing risk on community safety. |
| Essential Services | Services including power and water, sewer, gas lines, telecommunications conduits, and fire hydrant pipelines. |
| Laneway | Road reserves that provide connectivity between roads and/or public open space. |
| Laneway Closure | Refers to the assessment and decision made by Council in terms of permanent and temporary closure or enabling permanent laneway treatment. |
| Overland Stormwater Flow Path | A path enabling water to run across land after rainfall. Crucial for stormwater unable to enter underground drainage systems. |
| Permanent Closure | The permanent and indefinite closing of a laneway resulting in the sale of land. |
| Permanent Laneway Treatment | A modification of a laneway intended to remain in place for greater than twelve months that may include:<br>• Bicycle chicane/s,<br>• Lighting. |
| Relevant Government Agencies | NT Police Force, Territory Housing, Territory Families, and any other Agencies that require access to a locked laneway. |
| Temporary Closure | Full time closure of a laneway with locked gates or fences while an application for permanent laneway closure is being processed. |

## 3 Guidelines

This guideline is to be read in conjunction with the **Laneway Closure Policy** and in accordance with statutory requirements as per the *Local Government Act 2019* and the *Local Government Regulations 2021*.

## 3.1 Laneway Closure Application Requirements

Council requires applicants to complete the Laneway Closure Application Form, which must include the following information:

a) Sufficient explanation to warrant the action of closure. This can include, but is not limited to:
   - anti-social behaviour associated with the use of the laneway
   - details of incidents reported to the Northern Territory Police including dates and times,
   - personal or business interest in purchasing the land.

The explanation provided by the applicant will be a factor considered by Council when deciding whether to close the laneway.

b) A sketched plan showing the location and proposed subdivision and consolidation of the laneway.

c) Endorsement by all landowners adjoining the laneway to indicate that they agree to the proposed closure of the laneway. Where an adjoining property owner is the Northern Territory Government, Council team members will liaise directly with the relevant agency.

d) The period of occupancy of the applicant in the adjoining property.

e) If the applicant requests Council to temporarily close the laneway while an application for permanent closure is being processed, including endorsement of the temporary closure by all adjoining landowners.

f) Confirmation that relevant adjoining landowners agree to enter into agreements with Council to purchase their portions of the laneway, subject to Council and Ministerial approval.

Where the resident is not the owner, the property owner/ ratepayer is required to make the application.

### 3.1.1 Application Fee

The application fee must be paid to Council and received in full to commence processing the application. A 50% refund applies if the application does not proceed to public consultation in accordance with clause 3.5 of the Policy.

## 3.2 Application Progression

Following receipt of an application, the Technical Services officers will assess the application within six weeks. The assessment includes:

- Verification of application in accordance with Clause 3.2 of the Policy; and
- Assessment of the laneway in accordance with Appendix A - Laneway Assessment and Categorisation.

## 3.3 Council Consideration

Following assessment under clause 3.2, Technical Services officers will prepare a report for an Ordinary Council Meeting outlining:

- Compliance and adherence with application requirements;
- Outcomes of Appendix A - Laneway Assessment and Categorisation.
- Recommended course of action in line with clause 3.5 of the Policy:
  a) Not to proceed with closure,
  b) Consider a permanent treatment, or
  c) Commence consultation for permanent closure (including temporary closure if requested).

Technical Services will endeavour to present this report to an Ordinary Council meeting within 6 weeks of receipt of application.

## 3.4 Consultation

Following a decision by Council to proceed with community consultation for a laneway closure, including any request for temporary closure, the following actions will be undertaken:

- Council will publish a notice in the local newspaper, Council's website and the notice will be made available for public viewing at the Civic Centre for 28 days. The notice will include:
  a) a detailed description of the proposed laneway closure, and
  b) an invitation to any person in the municipality to lodge a written objection to Council within the consultation timeframe and;
  c) disclosure of whether an application for temporary laneway closure has also been made, including implementation strategies.
- All households and businesses within 500 meters, or who directly adjoin the side or end of the laneway, will receive a notification within 5 days of the public notice being issued.
- Signs will be located at both ends of the laneway following public notice being issued for a minimum of 28 days.

## 3.5 Council Consideration After Consultation

Following the consultation period, Technical Services officers will prepare a report summarising the community feedback and any objections received. Council will consider all objections and may decide:

a) not to proceed with the laneway closure;
b) If the proposal is modified, Council may initiate a second round of consultation in accordance with clause 3.6 of the Policy; or
c) proceed with the laneway closure, approve modifications, or implement a permanent treatment.

Where laneway closure is approved, the matter will be referred for Ministerial consent in accordance with clause 3.8 of the Policy.

Upon receipt of Ministerial consent, Council will initiate the land sale process with the adjoining landowners in accordance with clause 3.7 of the Policy.

## 3.6 Laneway Closure Treatment Options

### 3.6.1 Temporary Laneway Closure

Council may approve a temporary laneway closure while a permanent closure application is being assessed. This decision can only be made following community consultation, as outlined in clause 3.6 of the Policy. Temporary closures are considered when the application reflects risks to community safety or anti-social behaviour. In such cases:

- All adjoining landowners must support the temporary closure.
- The applicant is responsible for the cost and installation of gates or fencing at each end of the laneway.
- Necessary permits must be obtained prior to construction, including a permit to work in the road reserve.

### 3.6.2 Permanent Laneway Treatment

As an alternative to permanent or temporary closure, Council may consider implementing a permanent treatment to address the concerns raised in the application.
Permanent laneway treatments may include, but are not limited to:

- Speed humps

- Signage
- Lighting
- CCTV monitoring
- Restrictive barriers

These measures are intended to remain in place for twelve months or more and will be assessed based on the issues identified in the application.

## 3.7 Permanent Closure of Laneway and Sale of Land

Following Ministerial consent and Council decision to close a laneway, Council will enter agreements to sell land to those adjoining landowners.

Council requires a deposit of $4,000 from each purchaser. Purchasers must commence application for subdivision and consolidation of the laneway parcel with their adjoining land within six months. Purchasers will be required to pay a total figure that reflects the market value of the land but takes into account the share of Council costs paid by the purchaser under 3.7.1. The market value is determined by certified practicing valuers and subject to review by the Valuer-General, if required, calculated based on the difference between:

- The value of the property in its current form; and
- The value of the property including the additional laneway.

Where the purchaser's share of Council's costs exceeds the market value, the purchaser will only be required to pay the Council costs.

### 3.7.1 Additional Costs to Council

All contracts for purchase of the land will include any additional costs to Council, divided between buyers in accordance with their proportion of laneway:

- costs of the grant and transfer of title including survey costs,
- associated legal fees,
- land valuations, stamp duty and registration fees

GST will apply to land sales and administrative costs and will be reflected in the total amount payable.

## 4 Responsibilities

Director of Technical Services and Manager of Infrastructure are responsible for the operation of this guideline.

## 5 Related Legislation and Documents

- *Local Government Act 2019*
- *Local Government Act (General) Regulations 2021*
- *Local Government Guideline 4: Assets*
- Laneway Closure Policy – TS-001CP
- Laneway Closure Application Form