

# Laneways

## COUNCIL POLICY NO. 115

### 1. POLICY PURPOSE

To provide the framework for consistent decision making regarding the management of laneways in Gannawarra Shire.

### 2. SCOPE

This policy applies to Gannawarra Shire Councillors, employees, contractors, volunteers, ratepayers, and other clients who have a laneway next to their property or use a laneway as a means of property access or passage.

### 3. POLICY

It is estimated there is a total of 16km of “laneways” within townships throughout the Municipality. These laneways were originally created to serve as night cart routes or to provide additional access to the rear of a property.

The majority of these laneways serve only as additional access for residential properties to backyards and sheds. Only a small number of these laneways currently act as what would be considered by the general public as a roadway.

#### 3.1 Laneways Ownership

Laneways are defined under the Road Management Act 2004 and Road Regulations 2016 as roads. It is understood that laneways throughout the municipality provide for a variety of access situations depending on their location and the surrounding uses. All roads (including lanes) are either:

- laid out on Crown land (‘government roads’) in which case the landowner is the Crown (represented by DEECA), or
- laid out on freehold land, in which case the landowner is the Council. This includes the scenarios when the title might be in the name of someone else, where that title overlaps with the road the title is effectively extinguished and it is no longer private land.

The Council is the Coordinating Road Authority (CRA) for both government roads and freehold roads under the Road Management Act 2004, excluding Arterial Roads managed by The Head, Department of Transport. Subsequently, the Council is the entity which decides what happens on a road, and what doesn’t happen.

Once a road has become a road it cannot be adversely possessed. It can only be discontinued as a road through the processes outlined in the Local Government Act 1989 Schedule 10 and the Road Management Act 2004.

#### 3.2 Classification of Laneways

A small number of laneways that are considered to be “reasonably required for general public use” and as per legislation are “public roads” have been mapped and included on Council’s Road Register as:

- **Access-Major** - Primarily provides access to residents or secondary commercial/industrial access.
- **Access-Minor** - Primarily provides access to property, river access, fire access and seasonal produce haulage.
- **Not Maintained** - Primarily un-formed roads, tracks, laneways, treed reserves and rarely used roads.

Other laneways that currently do not serve a wider community need are not included in the register in any form and the Council has no obligation to manage them. They are still roads, and people still have the right to use them. Council controls these roads and may undertake management functions on them under its own discretion.

Also, the CRA may under the *Road Management Act 2004* assign or increase the classification of a lane if it believes the lane is generally required for public use.

### 3.3 Management of Laneways that are “Not Maintained” or “Non-Public” Roads

The majority of laneways in Gannawarra Shire that are not “public roads” (i.e. “non-public” roads) are still “roads” under legislation and will continue to be “roads” until they are discontinued.

Examples of “non-public” roads would include:

- A laneway between properties that serves no other purpose than providing rear access to the properties; or
- A disused laneway with the legal status of a “road” that has been incorporated into a private development without being formally discontinued.

The Council has the care and management of laneways and passageways that are “non-public” roads. However, the Council does not have a statutory duty to inspect, maintain and repair roads under its management that are not “public roads”.

Council has discretionary powers to inspect, maintain and repair “non-public” roads. There will be no regular programmed inspections of “non-public” roads, although the Council will respond to requests from the community regarding safety issues or hazards.

Road users have the right to pass along a “non-public” road and will have this right until the road is discontinued. The Council will not permit blockages (i.e. privately installed gates and fences) on Council owned or managed “non-public” roads that restrict the access rights of road users and will enforce the removal any obstructions or blockages, at its discretion, that restrict the previously provided access or minimum required access rights of road users.

### 3.4 What Can I Do with a Laneway Near Me

You can:

- Apply to discontinue all or part of the laneway and purchase it or agree a long-term lease with the Council, subject to reaching agreement with adjacent landowners and other impacted parties. Requests for road discontinuance must be submitted to the Council in writing and all discontinuance process associated costs will be borne by the requestor.
- Request Council’s consent for maintaining or repairing a lane for business or personal property secondary access purpose. The request needs to be submitted in writing and include the details of the proposed actions and copies of Public Liability and Professional Indemnity insurance documents for the proposed duty holder organisation to be responsible for conducting inspections and maintenance / repair works. The consent will not extinguish the public right to pass along a laneway. The Council will not consider proposals for upgrades in relation to any of the laneways.

## 4. POLICY REVIEW

Council will review this policy as required but always within two years after a general election of the Council.

At the time it was developed, this policy was compliant with the Victorian Charter of Human Rights and Responsibilities Act 2006.

## 5. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna Offices, or online at [www.gsc.vic.gov.au](http://www.gsc.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Director Infrastructure and Development on (03) 5450 9333.

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