

Council

**POLICY REVIEW – ROADS – UNCONSTRUCTED
ROADS**

Amended Council Policy

Meeting Date: 27 April 2021

Number of Pages: 3

ROADS – UNCONSTRUCTED ROADS

DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Infrastructure	Roads

OBJECTIVE

To provide clear guidelines to the Council, its staff and residents of the Shire of Plantagenet regarding requests relating to the maintenance and construction of unconstructed roads in dedicated road reserves under the care, control and management of the Council.

POLICY**1. Definition**

A road is defined pursuant to Section 3 of the Land Administration Act 1997 as:

‘Road means, subject to section 54, land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both’.

2. Road Reserve Dedication Process

The dedication of a road reserve is the process where a portion of land is set apart and registered with the Department of Planning, Lands and Heritage specifically for a public road whether or not a road is constructed.

An unconstructed road may be an access located within a dedicated road reserve which has not been constructed, ‘made’ or recognised by the Council as a constructed road. This road reserve may have an approved name intended for future use, but will not qualify for maintenance work until a road is constructed and recognised as constructed by the Council.

A list of constructed roads recognised by the Council and therefore eligible for maintenance is found in Council Policy I/R/16 – Rural Road Hierarchy.

3. Request for Construction or Maintenance

Members of the public may request that an unconstructed road be either maintained or constructed.

3.1 Where the Council is of the opinion that the road, the subject of the request, should be constructed, the road will then be included in the Council’s Five Year Road Construction Program. The applicant shall be advised when such construction is likely to occur.

- 3.2 Notwithstanding the Council decision to include the road in the Five Year Road Construction Program, should the applicant be prepared to pay for the cost of construction to ensure earlier completion, the following procedures shall apply:
- a) The Council shall arrange for design plans to be prepared and costed; and
 - b) On payment of the estimate of the road construction costs by the applicant the Council shall schedule the works within the next 12 months.
- 3.3 Where the Council is of the opinion that the requested construction work is not warranted the following procedures shall apply in the event that the applicant is willing to meet the costs of construction:
- a) Have prepared and submitted to the Council satisfaction of the Executive Manager Works and Services, plans demonstrating that the road will be constructed to the satisfaction of the Executive Manager Works and Services:
 - (i) By suitably qualified persons; and
 - (ii) To the minimum standard required for the intended use of the road and traffic volumes; or
 - b) Request the Council to undertake the works as if the Council Policy I/PW/1 Private Works —External was applied.

ADOPTED: **OCTOBER 2006**

LAST REVIEWED: **26 FEBRUARY 2019**