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| Policy Number: | LPP 11 |
| Policy Type: | Local Planning Policy |
| Policy Name: | Dedication of Road Access |
| Policy Owner: | Chief Executive Officer |

AUTHORITY: *Local Government Act 1995*
Land Administration Act 1997
 Shire of Nannup Local Planning Scheme No. 4

POLICY BASIS

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

OBJECTIVES

1. To outline the criteria to guide the local government when considering applications from members of the public, government agencies or elected members to dedicate road access to privately owned land;
2. To determine the road safety standard required for any proposed dedicated road to be constructed or upgraded to achieve;
3. To clearly define the local government's responsibility and obligations in regard to any proposed road dedication in respect to future road construction/upgrade timeframes and subsequent maintenance frequency; and
4. To determine whether any costs associated with future construction/upgrading are to be met by the landowner/s, other bodies or by the local government (or a combination of some or all), and the extent of any such contribution.

BACKGROUND

The Shire of Nannup has numerous un-dedicated tracks that have been used to gain access to private property through areas of State Forest or other Crown reserves. These tracks are little more than narrow tracks that have not been properly designed or constructed to contemporary road construction standards and often have been used as firebreaks or fire access tracks by the Department of Biodiversity, Conservation and Attractions (DBCA) in the past.

There are also situations within the Shire of Nannup where road access has been provided to privately owned land by way of a "right of carriageway" easement through Crown Land negotiated between the private landowner and (usually) the Executive Director DBCA (previously the Conservator of Forests, Forests Department or the Executive Director Department of Conservation and Land Management).

These "rights of carriageway" or "private roads" entitled landholders access through areas of State Forest or Crown land under the control of DBCA. A "right of carriageway" does not always constitute a public road therefore access is technically restricted to the landowner named in the easement.

There are also instances within the Shire of Nannup where historically created lots are "land-locked" and do not have direct access to a public gazetted road and other historically created lots do not have access to a constructed public road.

POLICY PROVISIONS

1. Local Government Involvement in the Dedication Process

The local government will not generally become involved with any request for the dedication of an access track other than when associated with realignment, closure or extension to an existing dedicated road reserve.

The local government will only give consideration to an application for the dedication of a track/access as a “road” when the following conditions have been met:

- a. The proponent/s provides written agreement to the proposal from all affected landowners/land managers (including DBCA). DBCA generally will not consider supporting a proposal which results in the loss of land it manages, so there is usually the requirement for a land swap.
- b. All landowners that the proposed dedicated road will benefit, have agreed to pay all costs incurred during the dedication process including:
 - i. costs incurred to have prepared a Risk Assessment Report of the proposed road dedication to determine the required design required to ensure that the road will be safe for the public to use if dedicated;
 - ii. costs associated with the subdivision/amalgamation of private land ceded to create the road reserve;
 - iii. costs associated with compensation for land ceded; and
 - iv. costs associated with undertaking the survey and lodgement of survey documents with the Department of Planning, Lands and Heritage for registering the new dedicated road.
- c. All landowners provide the local government with a written agreement that all upgrading/construction costs required to meet the safety requirements identified as a result of the Risk Assessment Report will be met by the landowners in full.

2. Landholder Responsibility

Where a property is not serviced by a dedicated road access, all costs incurred to maintain access remains the responsibility of the respective landowner and the local government will not provide any assistance for maintenance or upgrading unless the landowner engages the services of the local government under a “Private Works” contractor basis and pays the full cost of any such work. Where the access track traverses DBCA lands any maintenance works undertaken by the local government will be in accordance with the Shire of Nannup Policy WRK 8 Maintenance of DPaW Access Tracks.

3. “Public Good” Road Dedications

The local government will only progress an application for dedicated road access when the local government is of the opinion that is a “public good” in the following circumstances:

- a. When the proposal is in accordance with *Shire of Nannup Local Planning Scheme No.4* and the Local Planning Strategy; and
- b. The proposal will result in the improvement of the local government’s road infrastructure; and
- c. The proposal will be of benefit to the wider community and meet community requirements under the Scheme or Strategy.

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| Related Policies: | WRK 8 Maintenance of DPaW Access Tracks LPP 14 Developer and Subdivider Contributions |
| Related Procedures/ Documents | |
| Delegation Level: | Chief Executive Officer or their Delegated Officer |
| Adopted: | OM 28 October 2010 |
| Reviewed: | OM 27 June 2024 |