



Council Policy Manual 2018

Section 13 – Works & Services

The policies in this section require review



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13.1 Road Reserves – Crossovers

STATUTORY CONTEXT

Local Government Act 1995 –

- Sch 9.1(7) – crossing from public thoroughfare to private land or thoroughfare

Uniform Local Provisions Regulations 1996 –

- r.12 – application and approval for crossing
- r.13 – requirement to repair

Public Places and Local Government Property Local Law 2018

CORPORATE CONTEXT

None

POLICY STATEMENT

1. The Shire will meet 50% of the cost of construction of a standard crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, subject to –
 - a) prior approval of proposal and estimated cost of construction of a crossover,
 - b) written agreement of the landowner/occupier prior to commencement of works,
 - c) by payment of the actual contribution cost to the landowner / occupier on completion, or cost recovery by the local government from the landowner / occupier.
 - d) any variation to a standard crossover is to be at full cost to the landowner.

APPLICATION

2. A standard urban crossover specification is –
 - a) one crossover per property,
 - b) where adjoining road is bitumised, from the bitumen edge of the road to the property boundary, with the following materials –
 - if gravel / natural surface – to 4.0 metres wide, 150mm compacted gravel
 - crossover surface treatment (concrete, pavers, bitumen, asphalt etc) at landowner/occupiers cost, unless prior agreement with Council,
 - c) where the adjoining road is not bitumised, as per standard rural crossover specifications except to a width of 4.88m wide (2 standard pipe lengths),
 - d) if required, longitudinal drainage under the crossover at Shire cost.
3. A standard rural crossover specification is –
 - a) one crossover per lot or location adjoining a road.
 - b) from the trafficable surface of the road to the property boundary,
 - c) compacted gravel, minimum 7.32 metres wide (3 standard pipe lengths),
 - d) appropriate longitudinal drainage if required.
4. Local government costs –
 - a) any reinstatement of kerbing,
 - b) impact on longitudinal drainage in place, up to 3 standard lengths of reinforced concrete pipe under the crossover cost if required, or



c) if crossover affected when carrying out works on the adjoining road.

5. Applicant's costs –

- a) kerbing not at the edge of the thoroughfare,
- b) costs in excess of a standard crossover construction,
- c) costs for crossovers in addition to standard number

HISTORY

Former Policy	2.1.1, 2.1.2
Adopted	18 July 2018

NOTES



13.2 Road Developer Sub-Divisions

STATUTORY CONTEXT

Local Government Act 1995

Shire of Victoria Plains Local Planning Scheme Extractive Industries Local Law 2018

Public Places and Local Government Property Local Law 2018

CORPORATE CONTEXT

Policy Manual –

- 13.1 Road Reserves – Crossovers
- 13.3 – Roads Access to lots/locations without road frontage

POLICY STATEMENT

1. A developer shall at their own expense, bring the roads to the standard required to adequately service the subdivision, where –
 - a) a subdivision is approved and –
 - the existing roads serving the lots to be subdivided require upgrading, or
 - the lots to be subdivided do not have constructed road frontage
 - b) a subdivision road adjoins two different land zonings, the higher standard shall be applied to the whole length of the road, unless varied by specific resolution of Council,
 - c) an “internal” road is required in a subdivision estate, the road is to be vested in the Crown, without encumbrance.

APPLICATION

2. Definitions –

subdivision includes creation of lots or locations –

- a) requiring new roads (“internal roads”) to be constructed whether on previously privately owned land or an unmade road reserve, and
 - b) adjoining existing made roads, whether the standard of construction of the adjoining road needs to be upgraded or not.
3. Road construction is the responsibility of the developer, and shall be at the full cost of the developer, including any costs incurred by Council, previously notified to the developer, such as civil engineer assessment, inspection or certifications.
 4. Details of the proposed road to be constructed are to be submitted to Council and approval obtained prior to any commencement of work.
 5. Council may enter into a written agreement to construct or upgrade a road to the required standard where –
 - a) necessitated by a new or adjoining development,
 - b) if Shire work commitments permit, and
 - c) users request sections of a road to be upgraded to a standard higher than Council considers is warranted.
 6. Council will have consideration to any relevant guidelines of Main Roads WA or Institute of Public Engineering Works Australia in determining the acceptability of the proposed –



- road construction,
 - standards,
 - width
 - cross-section,
 - drainage,
 - traffic conditions,
 - heavy haulage route etc.
7. During construction of the road, Shire staff or representatives will inspect the work from time to time, and will provide a written report to Council regarding the standard of work.
 8. Once the road is constructed to the required standard, Council by specific resolution will assume all responsibility for future maintenance by specific resolution.
 9. Council will not accept responsibility for a road unless inspected and certified by a mutually agreed practicing civil engineer that the road is adequate and sufficient for purpose, in accordance with the matters assessed in clause 6.
 10. On application, Council may consider exceptions on a case by case basis.

HISTORY

Former Policy 5.1.1(a), (b) and (c) Adopted 18 July 2018

NOTES



13.3 Roads – Access to Lots / Locations Without Road Frontage

STATUTORY CONTEXT

Local Government Act 1995

Shire of Victoria Plains Local Planning Scheme

Public Places and Local Government Property Local Law 2018

CORPORATE CONTEXT

Policy Manual –

- 13.2 – Roads – Developer subdivisions

POLICY STATEMENT

1. Any lot or location without road access, or created as a result of a title adjustment, or separation of lots or locations originally on one title, shall be treated as a subdivision development.

APPLICATION

2. Any road required to service the lots or locations is to be constructed or upgraded in accordance with Policy 13.2 Roads – Developer Subdivisions.
3. The sale of lots or locations without road frontage will not be approved by Council unless appropriate access has been arranged and is permanently legally enforceable by the Shire. Acceptable provision for access may include a caveat, memorial or easement over an adjoining property provided that the condition on the document cannot be removed without Shire consent.
4. On application, Council may consider exceptions on a case by case basis.

HISTORY

Former Policy 5.1.1(a), (b) and (c) Adopted 18 July 2018

NOTES



13.4 Road Reserves – Stormwater Discharge in Urban Area

STATUTORY CONTEXT

Local Government Act 1995 –

Public Places and Local Government Property Local Law 2018

CORPORATE CONTEXT

Delegations Register –

- 13.7 – Reserves under control of the local government

POLICY STATEMENT

1. In a townsite or settlement, an owner/occupier is permitted to discharge storm and seepage water to the street gutter via pipe drains or a sealed crossover.

APPLICATION

2. All connections are to be submitted in writing and approved by the CEO or MWS, who shall have regard to any guidelines or standards of Main Roads WA.
3. Open drains are not permitted across constructed footpaths or natural surfaces regularly used by pedestrians.
4. Small connections may be approved by the CEO or MWS, and are to be of galvanised steel or UV stabilised high density PVC as approved by the CEO or MWS having regard any relevant guidelines, and –
 - a) materials to be approved by pipe with an internal diameter of 100mm, or
 - b) RHS (box section) with internal measurements 75mm and 100mm wide and between 75mm and 100mm high.
5. Connection greater than cumulative 200mm –
 - a) will require Council approval,
 - b) are to be of a suitable material or construction as approved by the CEO or MWS, and
 - c) where an adjacent underground stormwater drainage system in the road reserve has been constructed, are to be connected to the system having regards to any relevant standards.
6. Works can be constructed by –
 - a) subject to operational requirements, the Shire at private works rates,
 - b) by the owner and are subject to inspection by an authorised person; or
 - c) by an appropriate contractor, holding public liability insurance of not less than \$10 million.
7. Local government costs –
 - a) If drainage affected when carrying out works on the adjoining road.
8. Applicant's costs –
 - a) any piping from property boundary to discharge point,
 - b) costs of any reinstatement of footpath, road verge, kerbing required,
 - c) any connection to the underground stormwater drainage system,
 - d) inspection fees.



Any works which have been carried out without approval of the CEO or MWS or have not been constructed as approved, may be removed or altered, and costs recovered from the owners.

HISTORY

Adopted 18 July 2018

REFERENCES

“Settlement” is an area used or intended for urban use, not being a Gazetted townsite



13.5 Road Reserves – Closure

STATUTORY CONTEXT

Local Government Act 1995 –

Shire of Victoria Plains Local Planning Scheme

CORPORATE CONTEXT

None

POLICY STATEMENT

1. Upon application, Council will consider the permanent closure of a road reserve, if–
 - a) the portion of the road reserve to be closed is isolated from other road reserves, or
 - b) if the road were to be constructed in the road reserve, it would lead to a deterioration in amenity of adjoining land (i.e.: safety, noise, dividing the property, reduced value etc).
2. A closure of a road reserve will not be considered where freehold titles would be left without access to a public thoroughfare.

APPLICATION

N/A

HISTORY

Former Policy	6.2.1
Adopted	17 October 2018

REFERENCES

Road closures are processed by Department of Planning, Lands and Heritage, as the land in a road reserve always remains the property of the Crown. While the Shire owns the infrastructure that is constructed on the roads reserve, and has responsibility for its management, care and control, the Shire does not own the land. When a road is to be closed, the Shire will be asked to comment in support or opposition, but does not have the final say.



13.6 Private Works

STATUTORY CONTEXT

Local Government Act 1995 –

CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure
- 13.2 – Things to be done on land not local government property
- 13.7 – Private works/infrastructure on, over or under publicland

POLICY STATEMENT

1. Subject to work commitments, and the capacity to carry out the requested works, the CEO or Works and Services Manager may authorise the carrying out of private works, upon such terms and conditions as is considered appropriate.

APPLICATION

2. All private works require a written agreement, unless a Local Purchase Order is supplied e.g. Western Power, Telstra etc.
3. Private works having the potential to affect normal Shire work programs –
 - a) are to be referred to Council prior to acceptance,
 - b) may have progress payments or other arrangements as determined by Council.
4. No hire of plant is permitted without a Shire operator.
5. Other private works may be carried out at the discretion of the CEO.

HISTORY

Adopted 17 October 2018

REFERENCES

This Policy does not authorise the hiring of minor plant and equipment to any person.



13.7 Acquisition of Road Making Materials – Non Shire Controlled Land

STATUTORY CONTEXT

Local Government Act 1995

CORPORATE CONTEXT

Delegation 13.4 – Materials from land not under local government control

POLICY STATEMENT

1. Where the required quantity, quality or type of material is not available from Shire controlled areas and the material may be available from private property, the following is to be normal procedure–
 - a) Request permission to search for materials from the owner. Entry powers are to be used only as a last resort.
 - b) Calculate the approximate requirement for the project or yearly requirement of material from the proposed pit, and the expected life of the pit.
 - c) If suitable material is located, a written agreement is to be reached with the owner regarding compensation for materials to be removed.
 - d) Priority must be given at all times to reasonable negotiation to reach an amicable written agreement mutually acceptable to the local government and the owner.
 - e) Should agreement for the removal of materials not be reached with the owner, procedures to resume an area sufficient for immediate and future needs may be instituted by specific decision of Council.
2. Compensation taking the form of works is not to exceed the calculated value of the royalty eligible to be paid.
3. Rehabilitation and reinstatement is separate to compensation, and has the aim of returning the land to its prior purpose and use.
4. All matters are to be agreed in writing and signed by the CEO or Works & Services Manager on behalf of the Shire, prior to removal of any materials.

APPLICATION

5. Compensation shall be agreed in writing prior to excavation, and may take the form of–
 - a) payment;
 - b) works on the owner's property such as grading, gravel sheeting, drainage works, additional crossovers etc;
 - c) resumption of the portion of land on which the materials are located will be at a mutually acceptable rate;
 - d) compensation must be calculated in proportion to the volume of material extracted, and the impact of the activity on the property.
6. The rate of compensation –
 - a) on the basis of volume or tonnage as set by Council from time to time;
 - b) may be increased by not more than 10% on the rate set by Council, should the next nearest suitable source add a significant cost or time of the Shire works.



7. Works to rehabilitate the pit once materials have been removed shall take place and will be such works as agreed on in writing before excavation commences. These works may include –
 - a) tree planting,
 - b) deep ripping,
 - c) levelling;
 - d) levelling, stockpiling of original topsoil and spreading after extraction is completed.
8. Council reserves the right to enforce its rights to extract gravel by legal means if arrangements cannot be made with landholders.
9. The principles of this policy are to apply to taking of water, sand or other material to the extent relevant.

HISTORY

Former Policy	pt 2.4.1
Replaced	19 September 2018

NOTES

The royalty payment is determined by Council, and takes into account –

- the value of materials being taken
 - “opportunity loss” for the purposes of production during the period of extraction etc
- a) estimated impact on production income