

Works and Assets

Access Road Construction and Road Reserve Closure

Objective

To establish a clear and consistent process for the Shire of Koorda (“**the Shire**”) to:

- Assess and manage requests for the construction of new access roads on unconstructed road reserves; and
- Consider the closure of unused or unnecessary road reserves.

This policy aims to ensure decisions are made in accordance with legislative requirements, support fair land use outcomes, and protect the Shire’s financial and operational resources.

Policy

Road Construction Requests

The Shire acknowledges that some properties may not have constructed road access and that landowners may request the Shire to construct access roads. This policy provides a consistent decision-making framework to manage such requests, ensuring fair treatment, financial sustainability, and minimal environmental and community impact.

The Shire has no legal obligation to construct roads on unconstructed road reserves.

The construction of new roads will be considered on a case-by-case basis, subject to this policy and the discretion of Council.

Eligibility

A request may be considered where:

- The property adjoins a gazetted but unconstructed road reserve.
- The purpose of the road is to provide legal and physical access to a bona fide lot not currently served by a constructed public road.
- There is no alternative reasonable access arrangement (e.g. via an adjoining lot under the same ownership).

Requirements of the Applicant

If Council supports the request in principle, the applicant must:

- Enter into a formal written agreement with the Shire covering all terms of the road construction.
- Pay all costs associated with the planning, approval, construction, and naming of the road, including but not limited to:
 - Survey and design
 - Environmental and flora/fauna clearances
 - Construction to the Shire’s minimum specifications
 - Fencing along the newly constructed boundary
 - Administrative fees and road naming
- Coordinate and manage the construction to Shire-approved standards under the supervision or inspection of the Shire’s Works Supervisor.
- Install a gate (if required) to the specifications of the Shire and comply with the *Local Government (Uniform Local Provisions) Regulations 1996*.
- Accept responsibility for the ongoing maintenance of the road and gate, where access is primarily private in nature (e.g. dead-end roads serving a single property).
- Obtain written consent from the owners of all properties directly adjoining the proposed road reserve confirming their support for the construction.

Assessment Criteria

Each application will be assessed based on:

- The extent of community benefit and future public utility of the proposed road.
- Environmental impacts, including vegetation clearance requirements.
- Financial implications for the Shire and its long-term asset management responsibilities.
- Alignment with strategic planning priorities and future land use plans.

Planning Considerations

- Council may require that any future subdivision or sale of land be conditional upon demonstrated constructed road access.
- This aligns with the broader principles applied by other local governments, such as the requirement for “legal and constructed access” before approving development or subdivision applications.

Closure of Unused Road Reserves

The Shire may consider closure of a road reserve where:

- The reserve is unconstructed and not required for current or future access.
- No lawful access to any property would be compromised.
- Closure is supported by adjoining landowners and relevant agencies.
- The closure aligns with Shire strategic and asset management objectives.

Pre-Closure Considerations

Prior to proposing a closure, the below should be assessed:

- Emergency or utility access needs.
- Impact on access to crown land, nature reserves or heritage areas.
- Potential to repurpose the reserve for public or environmental use.

Process for Road Closure

1. Road Closure Initiated: Council wish to start the process or a request is received.
2. Council Resolution: Council must formally resolve to consider the closure.
3. Public Notice: The proposed closure must be advertised in a newspaper circulating in the district, giving a period of notice to provide submissions. The submission period must be at least 35 days after the notice was publicised in the local newspaper. (Additional public notice can be published on the Shire’s Website, Facebook Page or Notice Board).
4. Agency Referrals: Notification should be sent to relevant agencies, including, but not limited to:
 - Landgate
 - WA Planning Commission (WAPC)
 - Department of Planning, Lands and Heritage (DPLH)
 - Department of Water and Environmental Regulation (DWER)
 - Department of Primary Industries and Regional Development (DPIRD)
 - Environmental Protection Authority (EPA)
 - Main Roads WA (MRWA)
 - Water Corporation
 - Western Power
 - Telstra
 - Public Transport Authority (PTA)
 - Department of Energy, Mines, Industry Regulation and Safety (DMIRS)
5. Affected Landholder Referrals: Notice should also be sent to adjacent or nearby landowners.
6. Council Consideration: Council reviews all submissions and resolves whether to proceed.

7. Submission to Minister: If endorsed, a formal request is sent to the Minister for Lands with all supporting documentation (plans of road to be closed, copies of advice to service agencies, copy of Council Minutes, copies of any submissions, any other relevant information).
8. Ministerial Decision: The Minister determine the outcome. If approved, the land may be amalgamated or disposed of. (Landgate to determine sale of closed unused road reserve).

If the road closure is not initiated by Council, any associated costs for the closure request should be met by the applicant.

Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)

Land Administration Act 1997

Planning and Development Act 2005

Local Government (Uniform Local Provisions) Regulations 1996

Review History

Date	Council Resolution	Description of review/amendment
18/06/2025	RES: 040625	V1.0. Creation of new policy for future requests for construction of access roads as per RES: 151024. Addition of policy for closing unused road reserves.

