RIGHTS OF WAY POLICY

Legislation / local law requirements	Land Administration Act 1997, Sections 52, 55, 56 Local Government Act 1995, Section 3.25 Transfer of Land Act 1893, Section 167a City of Vincent Local Government Property Local Law 2021 City of Vincent Parking Local Law 2023
Relevant delegations	2.2.8 Closing thoroughfares to vehicles 2.2.9 Control of Roads, Reserves and Certain Unvested Facilities
Related policies, procedures and supporting documentation	D25/115289 - Operational Guidelines - Rights of Way WAPC Planning Bulletin 33/2017 Rights-of-way or laneways in established areas Asset Management and Sustainability Strategy 2020-2025

PRELIMINARY

INTRODUCTION

The City of Vincent Rights of Way are valuable assets that provide important amenity to the community. The majority of Right of Ways are owned and/or under management of the City of Vincent. The City of Vincent Local Planning Strategy dated 8 November 2016 recommends that where possible Town Centre's are to have vehicle access to properties provided from secondary streets, laneways and rights-of-way. The City of Vincent will acquire privately owned rights-of-way to ensure consistent legal control, maintenance, and public safety. Ownership allows the City of Vincent to upgrade and manage these rights of way to modern standards that support redevelopment and connectivity and resolve long-standing ownership and access issues. This approach aligns with the City's strategic goal for a connected, accessible, and sustainable urban environment.

PURPOSE

This Policy provides a framework by which a Right of Way in the City of Vincent can be managed regardless of ownership.

OBJECTIVE

The objective of this policy is to provide a framework that directs the actions, decisions, and priorities relating to a Right of Way in the City of Vincent. The Policy is supported by the Operational Guidelines for Rights of Way as approved by the City's Chief Executive Officer.

The Policy provides direction on how a Rights of Way is to be managed in terms of:

- Ownership.
- Acquisition.
- Closure.
- Provision of Services.
- Maintenance and Upgrades.
- Adjoining Development.
- Beautification.

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SCOPE

This Policy applies to Rights of Way within the City of Vincent, irrespective of ownership or management status. This Policy is applicable to all City of Vincent officers, developers, and property owners where a Right of Way provides, or has the potential to provide access to private property or public infrastructure.

POLICY PROVISIONS

DEFINITIONS

City - means the City of Vincent.

Crown Land - means all land except alienated land includes reserved and leased Crown land, tidal waters, reclaimed land, riverbeds and lakes. (Note: Landgate glossary of terms).

Dedication - means the acquisition as Crown land of any alienated land or private road which has been used by the public, following a request from a local government to the Minister for Lands under Section 56 of the Land Administration Act 1997.

Local Road - (Local Street) - a road that is a managed asset of a local government and primarily used for access to abutting properties. (Note: Main Roads WA glossary of technical terms)

Operational Guidelines - means a document prepared to support this policy by providing detailed instructions, procedures, roles, responsibilities and standards for implementation. It is intended to guide good practice.

Private rights of way - means a narrow strip of land in a private subdivision and legally available only to owners of blocks in the subdivision. (Note: Landgate glossary of terms)

Public Road - means a public thoroughfare for vehicles (as defined in section 4 of the Road Traffic (Administration) Act 2008) or pedestrians and includes structures or other things appurtenant to the road that are within its limits; a thoroughfare is not prevented from being a road only because it is not open at each end.

Renewal - Works to replace existing assets or facilities with assets of facilities of equivalent capacity or performance capability (IIMM).

RoW - the acronym used within this policy to identify a rights of way or laneway, irrespective of ownership.

Upgrade - Enhancements to an existing asset to provide higher levels of service, e.g. widen a sealed road (Australian Infrastructure Financial Management Manual).

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POLICY

OWNERSHIP OF RoW

A RoW privately owned will be maintained by the landowner, or in the absence of the landowner, by the adjacent property owner/s who have a legal right of access over a RoW.

A RoW owned by, or under the care, control and management of the City of Vincent, will be maintained by the City.

DEVELOPMENT OF RoW

A developer, landowner or group of landowners may develop a RoW or section of a RoW adjacent to their property subject to: Prior approval being granted by the City, as per the Operational Guidelines.

The RoW upgrade extending from and including the frontage of the property to be developed through to the nearest dedicated road.

RoW ACQUISITION

Section 52 of the Land Administration Act 1997 (LAA) provides that a local government may request the Minister for Lands to acquire a private right of way to become dedicated RoW land.

Upon acquisition, the laneway shall be assigned a name in accordance with this Policy. The City reserves the right to request a cost contribution from adjoining landowners or beneficiaries towards the upgrade of a RoW that requires acquisition, with the contribution amount determined according to the condition and standard of the RoW at the time of acquisition.

RoW MAINTENANCE AND UPGRADE

A RoW under the care and control of the City will be maintained and upgraded as part of the City's RoW renewal program and in accordance with the specifications outlined in the Operational Guidelines. All costs associated with maintenance and upgrades will be the responsibility of the City of Vincent.

Private rights of way will be maintained and upgraded in accordance with the specifications outlined in the Operational Guidelines. The cost of maintenance and upgrade will be borne by the landowner. Where a landowner is not identifiable, the costs will be the responsibility of the adjoining property owner(s) who hold a legal right of access over the RoW.

RoW BEAUTIFICATION

Beautification of a RoW can be undertaken on application to the City, and in compliance with the Operational Guidelines.

REQUEST FOR RIGHT OF WAY RoW CLOSURE

Section 58 of the Land Administration Act 1997 (LAA) provides that a local government may request the Minister for Lands to close a RoW that is dedicated as a public road.

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Temporary closure for works on a RoW dedicated as a public road requires prior approval from the City and shall be through an application for a permit for works placement in road reserve.

Application for permanent closure to vehicle traffic of a RoW dedicated as a public road must demonstrate the following:

- The RoW is not accessible to vehicles due to width configuration issues.
- Adjacent landowners and occupiers agree that the RoW is not required for vehicular access to their properties.

The applicant and/or the adjacent landowners contribute to the cost of closing the RoW to vehicular traffic.

- Pedestrian access is maintained, including those using mobility devices.
- Service and emergency response vehicles can safely and without undue delay access the adjoining properties.

RoW NAMING

A proposal to name a RoW must conform to the State Government's Policies and Standards for Geographical Naming in Western Australia.

OFFICE USE ONLY	
Responsible Officer	Manager Engineering
Initial Council Adoption	1997
Previous Title	Laneways and Rights of Way 2.2.8
Reviewed / Amended	16/06/2026
Next Review Date	16/06/2029