

Operational Guidelines – RIGHTS OF WAY

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 Policy, procedure and supporting documentation	D25/115308 - Rights of Way Policy WAPC Planning Bulletin 33/2017 Rights-of-way or Laneways in established areas Enhanced Environment Strategy 2020 – 2030 Asset Management and Sustainability Strategy 2020-2030

PURPOSE

The operational implementation and management of the City of Vincent's Rights of Way Policy.

OBJECTIVE

The City of Vincent recognises the importance of a consistent approach to the construction, management, and maintenance of Rights of Way (RoW) in line with relevant legislation, policies, and the City's broader strategic objectives.

These operational guidelines aim to:

- Ensure all RoW provide a safe, accessible, and durable asphalt and /or permeable brick surface that supports both residential access and essential service vehicles.
- Define clear processes for the upgrade, resurfacing, and ongoing maintenance of RoW throughout the City.
- Establish procedures for securing upgrade contributions from private developments or subdivisions that impact a RoW.
- Provide a framework for assessing and, where appropriate, facilitating the transfer of privately owned rights of way to the City's ownership, particularly where these are used for access to Crown land or public facilities.

These operational guidelines will ensure the City maintains RoW so that they're functional, safe, and consistent with the City's strategic urban planning objectives,

The definitions contained within the Rights of Way Policy apply to these Operational Guidelines.

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OPERATIONAL GUIDELINES

1. Traffic and Transport

Rights of Way (RoW) should not be longer than 140 metres without a mid-lane link and have a maximum design speed of 15km/h. RoW should have a maximum vehicle volume of 300 vehicles a day unless located within a town centre with abutting commercial land uses. RoW located in town centre areas need to consider accessible pedestrian use and should provide a surface that meets disability access requirements. RoW are to be designed to allow bidirectional traffic.

The minimum manoeuvring width of 6 metres shall be provided at all vehicle accesses from the RoW to private property. Where the RoW is 5 metres wide, the access shall be set back 1 metre. Where the RoW is 3 metres wide, the access shall be set back 3 metres. These dimensions shall be relevant to accesses on both sides of the RoW. The setback shall remain in the ownership of the private property. The setback is to be constructed in accordance with the City's standard crossover specification.

If traffic treatments or traffic control devices are required for a RoW to achieve the design speed or sight distance requirements, the treatment type, detailed design and construction specifications needs to be approved by the City. In some cases, the City may require a Road Safety Audit of the RoW to ensure proposed traffic treatments will meet the design speed requirements.

No parking is to be provided in right of ways unless approved by the City.

- Truncations are required at intersections and corners to provide space for vehicles to turn.
- RoW/RoW and RoW/Street: a minimum of a 3m-by-3m corner truncation is typically required.
- RoW/residential access: a minimum of a 1m-by-1m corner truncation is typically required.
- RoW/ pedestrian access - a minimum of a 1m-by-1m corner truncation is typically required.
- Design Vehicle B99 vehicle is required to be used for the design vehicle and 8.8m service vehicle is required to be used for the check vehicle.
- Future lighting of a RoW may be considered where a property has its only frontage onto the RoW, subject to the RoW being 5 metres or greater in width.
- Future lighting will not be considered where the property has an alternative frontage or side boundary onto an existing dedicated road, strata title, multi units, or battle-axe properties.

2 Design, Construction and Asset Management

The following specifications and standards must be adhered to for the design, construction and ongoing management of a RoW in the City of Vincent. Any variation to these requirements must have the prior approval of the City.

2.1 Sustainable Road Construction Practices

2.1.1 Use of recycled materials

The use of sustainable construction practices and materials is encouraged by the City including:

- Recycled Asphalt Pavement – in accordance with IPWEA/WALGA Specification for the Supply of Recycled Road Base, Main Roads Specification 501 Pavements.
- Crushed Recycled Concrete and Crushed Rock – in accordance with IPWEA/WALGA Specification for the Supply of Recycled Road Base.

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- Crumb Rubber – in accordance with WALGA Sprayed Bituminous Surfacing: Road Building Model Specification.
- Warm Mix Asphalt - WALGA Sprayed Bituminous Surfacing: Road Building Model Specification.
- Permeable paving.

2.2 Full Reconstruction

2.2.1 Box Out

The depth of the box out will be governed by the levels supplied by the City and the type of finished pavement selected. Any damage or loss of fences during this process will be the responsibility of the contractor and at his expense to make good to the City's satisfaction.

Width of box out is to be from boundary to boundary or as specified by the Engineering Design team or representative. The tolerance for the sub-grade width shall be ± 30 mm. Compaction of the sub-grade shall conform to a minimum of 95% of the maximum dry density (MDD) when tested in accordance with AS 1289 2.1.1. - *Methods of testing soils for engineering purposes*.

Dust suppression must be kept to a minimum by means of the application of water so as not to inconvenience adjoining residents and to increase the compaction strength required.

The finished levels of the sub-grade box out shall be within ± 20 mm. of the design levels, or as approved by the relevant officer.

2.2.2 Sub-grade

The formation shall be excavated in conformity with profiles, dimensions, camber and depths shown on the approved drawings.

Tolerance for sub-grade width shall be ± 100 millimetres. The finished levels of sub-grade shall be within $+0$ to -30 millimetres of design levels. The sub-grade shall be compacted to not less than 95 per cent of the maximum dry density when tested in accordance with AS 1289: Methods of Testing Soils for Engineering Purposes.

The sub-grade shall be approved by the Local Government before any sub-base material is placed. Sub-grade strength shall be tested to determine sub-grade CBR values. Depending on the results additional works may be required to ensure a satisfactory pavement.

2.2.3 Drainage

All drainage systems shall be designed to include water sensitive urban design principles. Such principles set down pollution control exceedance events, where soil conditions are satisfactory for the level of infiltration that is required for the peak flows calculated. Greater AEP storms will require a conveyance system to cater for the extra water. Where overland flows can cater for the higher peak flows then the conveyance system can be reduced to suit. All piped drainage lines shall be designed in accordance with the recommendations of the pipe manufacturers and the appropriate Australian standards.

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The minimum pipe diameter shall be 300 millimetres and Class two concrete or equivalent pipes are the minimum standard to be used in the road reserve. Minimum cover to pipes to be 600mm unless approved otherwise by the Local Government. The pipe system shall have the capacity to accommodate the design rainfall with the design top water level in gullies a minimum of 150 millimetres below the surface and, in junction pits, a minimum of 300 millimetres below the surface.

2.2.4 Sub-base and Base Course

The sub-base and base-course pavement must be constructed using crushed limestone (20–40mm) or crushed rock (road base) sourced from approved suppliers. Both materials must meet the following requirements:

Crushed Limestone:

- The crushed limestone must be sourced from an approved supplier and crushed to meet the required grading specifications.
- It must be free from tree roots, vegetable matter, lumps of clay, sand, capstone, or any other organic or deleterious material.
- The crushed limestone must have an abrasion resistance of no more than 60% weight loss when tested according to the Los Angeles Test.
- The limestone must contain no less than 60% calcium carbonate by weight.

Crushed Rock:

- The crushed rock must also be sourced from an approved supplier and meet the grading specifications.
- It must be free from the same contaminants as limestone and meet a minimum abrasion resistance of 50% weight loss when tested by the Los Angeles Test.
- Materials must be adequately moistened during compaction to achieve a minimum of 96% of the maximum dry density (MDD), as determined by the Australian Standards.

For RoW upgrades, the sub-base must be constructed using well graded crushed rock or crushed limestone with a nominal size of 20–40mm, meeting the grading and quality limits set out in Main Roads WA Specification 501 or a City approved equivalent.

A minimum compacted depth of 150mm is required. The sub-base is to be placed in one layer not exceeding 200mm in loose thickness before compaction and compacted to at least 96% of the maximum dry density (MMD) as determined by AS 1289.5.1.1 “*Methods of testing soils for engineering purposes - Determination of the dry density/moisture content relation of a soil using standard compactive effort*” or AS 1289.5.2.1 “*Methods of testing soils for engineering purposes - Soil compaction and density tests - Determination of the dry density/moisture content relation of a soil using modified compactive effort*”, as specified by the City.

In-situ density testing must be undertaken at a frequency approved by the City’s officer, and results are to be submitted for review and approval prior to the placement of any subsequent pavement layers.

Approval and Testing Requirements:

- Contractors must obtain the City’s approval for any road base used and provide documentation detailing the source and specifications of the materials.

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- All materials supplied or used must meet the relevant Australian Standards for quality assurance.
- Comprehensive testing methods must be followed as outlined in the Australian Standards, such as
 - AS 1141 standards – For Sampling and Testing Aggregates.
 - AS 1289 Standards – For Methods for Testing Soils.

2.2.5 Kerbing

All concrete kerbing shall be constructed using pre-batched concrete from an approved supplier, conforming to AS 3600 – Concrete Structures. The maximum aggregate size shall not exceed 9mm. Cement shall be Portland Cement meeting AS 3972 - *General purpose and blended cements*, with a target slump of approximately 30mm to ensure adequate workability.

Concrete cylinder compressive strength shall be tested in accordance with AS 1012.9 - *Methods of testing concrete, Method 9: Compressive strength tests - Concrete, mortar and grout specimens*. and shall achieve a minimum strength of 20 MPa at 28 days.

Kerbing shall be placed using an extrusion machine directly onto a properly prepared base. Expansion joints shall be sawn at intervals of 5m, perpendicular to the kerb line. The joint width shall be 10mm and extend through the full depth of the kerb. Joints shall be filled with approved compressible joint filler, leaving a 10mm recess on the back, top, and front faces of the kerb. This recess shall be sealed with an approved silicone sealant. Contraction joints shall be formed between expansion joints at 5m intervals. These shall be formed using a grooving tool to a depth of 15mm and a width not exceeding 6mm.

Concrete surfaces shall be cured for a minimum of seven (7) days following initial set. Curing shall be achieved by applying a curing compound such as Calcure “CR” or equivalent, sprayed evenly at the manufacturer’s recommended rate within two (2) hours of finishing.

Kerb profiles will generally be either semi-mountable, mountable, or flush, as specified by the City. The contractor must confirm the kerb type with the City prior to commencement of works.

Backfill adjacent to the kerb shall consist of locally sourced topsoil or clean yellow sand free from debris and shall be compacted to avoid settlement.

Any kerb damaged during construction or within the defect’s liability period shall be replaced or repaired by the contractor at no cost to the City.

2.2.6 Wearing Course

All asphalt for RoW works shall be supplied by an asphalt plant operating under a third-party certified quality management system (ISO 9001 or equivalent) and shall conform to AS 2150 – Asphalt - A guide to good practice (latest edition), the Austroads Guide to Pavement Technology, Part 4B – Asphalt, and the Australian Asphalt Pavement Association (AAPA) National Asphalt Specification.

Black asphalt shall be dense graded asphalt (DGA) with a nominal size of 7mm or 10mm, using granite or diorite aggregate in accordance with Main Roads WA Specification 504.

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Red asphalt shall be dense graded or stone mastic asphalt incorporating red oxide pigment (minimum 1% by mass of total mix) and coloured aggregate, meeting the same performance requirements as black asphalt.

Asphalt shall be placed to a minimum compacted thickness of 30mm for resurfacing works or 30–35mm for new construction, unless otherwise specified by the City.

The mix shall be laid and compacted to achieve:

- In-situ air void content between 3% and 6% as per AS 2891.8 - Methods of sampling and testing asphalt, Method 8: Voids and volumetric properties of compacted asphalt mixes.
- Density ratio of $\geq 92\%$ of Marshall reference density or $\geq 98\%$ of target laboratory density for gyratory-compacted mixes as per AS 2891.9.2 - Methods of sampling and testing asphalt, Method 9.2: Determination of bulk density of compacted asphalt – Presaturation method or
- AS 2891.14.1- Methods of sampling and testing asphalt, Method 14.15: Mean, standard deviation, coefficient of variation and characteristic values.

Asphalt placement shall comply with Main Roads WA Specification 504, including surface preparation, tack coating, joint construction, and compaction procedures. Compaction must produce a uniform, smooth, well bonded surface free from segregation, flushing, or tearing, with joints straight, tightly butted, and well compacted.

When resurfacing RoW, a minimum of 30mm of the existing surface shall be profiled before placing new asphalt. Black asphalt shall be DGA hot mix with a nominal size of 7mm or 10mm. Red asphalt, where specified, shall be a dense graded mix with red oxide pigment (minimum 1% by mass) and coloured aggregate.

Permeable paving shall be constructed using interlocking concrete pavers and designed to promote stormwater infiltration and reduce surface runoff in accordance with Sustainable Urban Drainage Systems (SUDS) techniques. The system shall comprise clean, open-graded aggregate layers free from fines, including a 20–40 mm bedding layer and a 150–400 mm permeable base course depending on loading conditions. Pavers shall be trafficable and be laid hand-tight with 2–5 mm joints filled with washed aggregate to maintain permeability. Subgrade preparation shall ensure a uniform surface compacted to 95% MDD with adequate falls and no contamination by fines.

Construction shall ensure the paving system remains fully permeable and structurally sound. Layers of open-graded aggregate shall be compacted in lifts, and pavers vibrated with a rubber-matted plate compactor to achieve interlock. Edge restraints are to be installed, and sub-surface drains provided where infiltration capacity is limited. Post-construction infiltration shall meet a minimum rate of 250 mm/hr, and the finished surface shall be true to grade within ± 10 mm over 3 m.

The use of alternative permeable pavement products that does not meet the above criteria is subject to the approval of Manager Engineering Services.

2.3 Resurfacing (renewal)

A re-surfacing upgrade involves renewing the surface layer of an existing RoW to restore its structural integrity and improve its usability without full pavement reconstruction.

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Existing surfaces within the City of Vincent RoW may consist of brick paving, black asphalt, or red asphalt. For consistency, durability, and maintenance efficiency, all brick-paved RoW undergoing re-surfacing will have the brick pavement replaced with asphalt surfacing.

The re-surfacing process requires profiling a minimum of 30mm of the existing surface to create a uniform and prepared substrate. Following profiling, a tack coat should be applied before the surface is reinstated with a minimum 30mm layer of black dense graded asphalt (DGA), ensuring a smooth, durable, and trafficable finish. This method preserves the underlying pavement structure while providing a renewed, high-quality wearing surface suitable for current traffic demands.

All re-surfacing works must comply with the City's asphalt specifications, including material quality, compaction standards, and surface finish requirements, to ensure longevity and performance consistent with the City's overall RoW infrastructure objectives.

2.4 Asset Management

The City undertakes triennial comprehensive Condition Survey of all roads and RoW as part of its 10-year Renewal Program. This survey identifies and prioritises RoW for either resurfacing or full upgrades.

The timing and scope of RoW upgrade works are determined at the sole discretion of the City and are carried out by the City or its nominated contractors.

Prioritisation is based on a range of factors, including vehicle and pedestrian usage, surface condition and drainage performance. Additional considerations include the number of property boundaries along the RoW, the number of properties with garages or gates accessing the RoW, the number of properties fronting the RoW, and the presence of business or commercial car parks. Row with an existing high standard surface may be given lower priority.

Highest priority is given to RoW that experience heavy use especially those serving as primary access for neighbouring properties and that are predominantly sealed. Additional priority is also allocated to RoW needing improvements for traffic safety, drainage, or access to businesses, as well as those where significant upfront contributions have been made by property owners.

The following table provides condition ratings for existing surface.

Condition	Rating	Description
1	Very Good	Very good condition for newly or recently constructed pavements
2	Good	Good condition and likely to require only routine maintenance
3	Fair	Fair condition and likely to require light maintenance or resurfacing
4	Poor	Poor condition and likely to require a surface correction or possibly a structural treatment
5	Very Poor	Very poor condition possibly requiring a structural treatment or a reconstruction.

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3 Private Rights of Way / Road

Some RoW within the City are privately owned and often registered in the name of deceased estates. Generally, there are two main avenues available under the Land Administration Act 1997 (LAA) for local governments to acquire the private rights of way and assume maintenance obligations:

- a) Closure and revetment under section [52](#) of LAA and Regulation [6](#) of the *Land Administration Regulations 1998*; and
- b) Dedication as road under section [56](#) of LAA and Regulation [8](#) of the *Land Administration Regulations 1998*.

3.1 Acquisition of Private Road - S52 LAA

A private road may be closed under Section 52 of LAA through an Acquisition Order made by the Minister for Lands, following a formal request from the City. Upon registration of the Acquisition Order, the land is revested as Crown land and all existing rights, interests, and encumbrances affecting the land are extinguished.

The City will also request that a management order be granted under Section [46](#) of LAA enabling the City to assume care, control, and management of the land for public use purposes.

Where a private road is closed via an Acquisition Order under Section 52, no compensation is payable to any person with an interest in the land, including:

- The registered owner of the fee simple interest, and
- Any person who may benefit from an easement created under Section 167A of the Transfer of Land Act 1893 (WA).

3.2 Dedication of Private Road - S56 LAA

A private road, being alienated land, may be dedicated as a public road without it having to first revest as unallocated Crown land under section 56 of LAA, if the requirements in section 56(1)(b) or (c) are followed. When the RoW becomes a public road and it is automatically vested in the local government. No management order is required because roads are not managed as reserves. They are governed by road related legislation.

However, there is still a general requirement to remove any encumbrances, other interests and caveats affecting that parcel of alienated land.

Section 56 (6) of LAA excludes any interest holder from claiming compensation for loss of interest due to dedication.

Local Governments may request the Minister for Lands to dedicate land described in a plan of survey, sketch plan or document as a road under section 56 of the LAA where:

- the land (being alienated land or Crown land) has been reserved or acquired for use by the public, or is used by the public, as a road and such land is under the care, control and management of Local Government (section 56(1)(a) of LAA);

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- the owner of a private road or the adjoining owners apply to the Local Government, and the private road has been constructed and maintained to the satisfaction of Local Government (section 56(1)(b) of LAA); or
- land comprising a private road has been used by the public for an uninterrupted period of not less than 10 years (section 56(1)(c) of LAA).

3.3 Process

Once the appropriate route is determined, Council must formally resolve to support the request to the Minister for Lands, clearly outlining the reasons for the proposed acquisition or dedication. The request to the Minister must also include documentary evidence required by the relevant regulation of the *Land Administration Regulations 1998*.

4 Naming of Roads

Road naming is governed by the Sections [26](#) and [26A](#) of the *Land Administration Act 1997* and Landgate's [Policies And Standards For Geographical Naming](#).

The process requires local governments to assess naming proposals for uniqueness, appropriateness, and compliance with standards set by Landgate. Proposals can originate from the community or council and must undergo public consultation, including direct notification to affected parties and advertising.

The naming process involves submitting proposals through Landgate's online portal, supported by documentation such as survey plans, community consultation evidence and justification for the name. Complex or contentious proposals may be referred to the Geographic Names Committee (GNC) for expert advice. Approved names are entered into GEONOMA, the official register of place names in WA.

4.1 Application

An application to name a RoW shall be submitted in writing to the City, and shall include the following:

- (a) a brief history or submission in support of the naming application, which must:
 - demonstrate a strong relevance and/or connection to the area; and/or
 - identify long standing links with the local community and/or City
- (b) in the case of a person, detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate their contribution(s)/relevance to the local community; or
- (c) in the case of a place/historical matter, detailed information and supporting documentation (e.g. letters, newspaper articles, oral histories, photographs etc) to demonstrate the relevance/connection/link of the name to the area and/or the local community.

The Applicant must agree to fund the cost of manufacture and installation of street nameplates and poles.

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4.2 Community Consultation

Once it has been determined that the proposed name/s complies with Landgate's Policies And Standards For Geographical Naming, it shall be advertised on the City's website in accordance with the [Community and Stakeholder Engagement Policy](#).

At the conclusion of the advertising period, all submissions received will be considered and the approved name will be submitted to the GNC for formal approval and application.

Once the name has been approved by the GNC, the applicant and all owners/occupiers adjoining the ROW will be advised of the new name. The approved name will also be included in the Streetsmart guide, Emergency Services directories, and the City's Geographic Mapping System.

4.3 Financial Considerations

The manufacture and installation of street nameplates and poles will only be arranged, once the applicant has paid the required monies as outlined in the relevant adopted Fees and Charges.

The submitted information of the approved name, including the family history (if applicable) shall be forwarded to, and preserved by the City's Local History Librarian, to record the details and assist in building a picture of the early Vincent population and its character.

5 Beautification of Rights of Way

The City of Vincent recognises the important role that residential RoW play in community connectivity and access. Traditionally seen primarily as vehicle access routes, RoW have significant potential to become more vibrant, safe, and attractive public spaces that foster community pride and engagement.

The City may provide a small grants scheme and structured framework that supports residents and neighbours to collaborate on improving the amenity and function of RoW in their neighbourhoods.

Key opportunities may include:

- Landscaping and planting to enhance greenery and biodiversity.
- Installation of improved lighting for safety and visibility.
- Public art and mural projects to add cultural and aesthetic value.
- Enhanced wayfinding and signage to support pedestrian and cyclist navigation.
- While encouraging beautification and activation, the program will maintain a strong focus on preserving the primary functions of RoW, including safe vehicle access, servicing requirements, and overall area amenity.
- All improvements must comply with safety standards and allow for ongoing maintenance and access by essential service providers.

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6 Land Use and Infill Development

6.1 Development Application

When a RoW is required for access to a new development or subdivision, the developer must construct and drain the section of the RoW directly abutting the lot, to the satisfaction of the City.

The remainder of the RoW, extending to the nearest gazetted road, must be made trafficable by the applicant. Several conditions must be met before development or the clearance of a conditionally approved subdivision.

Plans for RoW construction and drainage must be prepared according to the specifications outlined in this document. These plans must be submitted to the City for approval.

A fee, in accordance with Section 158 of the Planning and Development Act 2005, is required upon plan approval:

- 3% of the estimated construction and drainage cost if no consulting engineer is engaged.
- 1.5% if a consulting engineer is engaged.

Works must not begin until:

- The plans have been approved by the City.
- The inspection fee is paid.
- A pre-start meeting with the City is conducted (minimum of 24 hours' notice required).
- Upon completion, the City's Development Engineer must be contacted for an inspection, with a minimum of 24 hours' notice.

Contractors must submit a certification checklist confirming that all works comply with approved plans, including:

- Sub-grade preparation and compaction.
- Correct placement of drainage and sub-base material.
- Proper compaction and asphalt application.
- Compliance with City of Vincent's specification.

7 Sustainable Road Construction Practices

7.1 Use of recycled materials

The use of sustainable construction practices and materials is encouraged by the City including:

Recycled Asphalt Pavement – in accordance with IPWEA/WALGA Specification for the Supply of Recycled Road Base, Main Roads Specification 501 Pavements.

- Crushed Recycled Concrete and Crushed Rock – in accordance with IPWEA/WALGA Specification for the Supply of Recycled Road Base.
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- Warm Mix Asphalt - WALGA Sprayed Bituminous Surfacing: Road Building Model Specification.

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OFFICE USE ONLY	
Responsible Officer	Manager Engineering
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