

Provision of Property Access on Public Road Reserves

Policy No:	ENG-008
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Version No:	1
Responsible Officer:	Director of Engineering

Purpose

The purpose of this policy is to define the extent of capital improvement and / or maintenance Council provides in relation to access to properties with existing dwellings on dedicated roads whether they are unmade, unformed or formed only.

This policy has been prepared to ensure that all requests for capital improvements and / or maintenance are treated equitably and that there is a fair and transparent process in place for improvement of formed, unformed and unmade roads on dedicated roads and road reserves.

The objectives of this policy are to recommend that the Council is under no obligation to:

1. Construct a road or pavement.
2. Extend the length of an existing road.
3. Upgrade the level of service or hierarchy class of an existing road.

Scope

This policy does not apply to vehicular access (driveway) from the road to the property boundary, as the property owner is responsible for the construction and maintenance of such accesses.

To be clear this policy does not apply to new road reserves created by the reconfiguration of existing lots in accordance with a Council approved Development Application.

This policy, when approved by the Chief Executive Officer and adopted by Council, will be applied by Council when exercising a discretionary power in making an administrative decision in relation to the provision of access to property(s) on dedicated roads and road reserves, regardless of whether the road is unmade, unformed, or formed only.

Definitions

Dedicated Road - An area of land dedicated to public use as a road, but does not include a State-controlled road under the Transport Infrastructure Act 1994.

Road Reserve - a legally described area within which facilities such as roads, footpaths, and associated features may be constructed for public travel. It is the total area between boundaries shown on a cadastral plan.

Formed road - A dedicated road that does not have gravel paving but which is formed using a grader so that stormwater will drain off laterally.

Gravel paved road - A dedicated road that has been formed and surfaced with gravel paving material (usually transported to the site).

Unformed road - A dedicated road that has been cleared and open to, and customarily used by the public.

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Unmade road - A dedicated road that has had no capital improvements including clearing, formation and gravel paving. Notwithstanding, an unmade road may be trafficable or un-trafficable in all weathers.

Policy Details

There is no legal obligation on Council to undertake capital improvements on roads within a public road reserve.

All requests for capital upgrade or improvement to a council road will be referred to a Meeting of Council for resolution. Council officers do not have authority to undertake upgrade or improvement works that have not been included as part of Council's endorsed operational plan or budget.

This policy applies to historical gazetted road reserves under the jurisdiction of Council.

Council will not undertake capital improvements on unmade, unformed, or formed roads except where a benefit to the community can be demonstrated. Community benefit and thus any work, is to be determined by a specific Council resolution.

Should a landowner require property access via a road reserve (unmade, formed or formed road), Council expects that the landowner will upgrade the road access at their own cost.

Where it can be demonstrated that there may be benefit to the community or that more than one landowner may benefit from the construction of the access, Council may enter into negotiations with the applicants to determine the value, if any, of Council contribution to the works. The outcome of any negotiations would be subject to acceptance by Council through a specific resolution.

Upon receiving a request to form, gravel pave and, where required by Council, seal an unmade, unformed, or formed road to provide access to the landowner, Council expects that the landowner will bear the works undertaken for the road at their own cost. Council will undertake the work – in a timeframe dependent upon the availability of resources, on the basis of the applicant prepaying under private works agreement.

Once road works have been completed, inspected and accepted by the Director Engineering Services, Council will continue to maintain the road to a standard set by resource and budgetary constraints applicable within each financial year.

Council does not condone or accept any responsibility for any work carried out on a road reserve under the care and control of Council, without its written permission and approval. The unauthorised work will not be improved or maintained by Council, and if the said work is deemed as safety risk to the public or environment, then the Council may remove or render impassable at the cost to the proponent. No maintenance or legal liabilities shall be accepted by Council for works approved by other agencies/ authorities.

Council may consider accepting sections of the road onto its road register for maintenance and operations. The road in its entirety shall be contained within existing road reserve and certified by registered surveyor at the applicant's cost. As the road is added to the road register specifying its hierarchy, council shall agree to maintain the road within budgetary and time constraints.

Special Provisions

Nil

Associated Documents

Nil

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Version Control

Version No.	Date	Approved	Amendment
1.0	13/02/2020	CEO	Initial Adoption

Approval

Chief Executive Officer			
Date:	13/02/2020	Signature:	Neil Polglase