

# Private Access Policy

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<b>Policy Type</b>	Council
<b>Policy Owner</b>	Senior Works Manager
<b>Link to Corporate Plan</b>	Great Liveability
<b>Review Date</b>	September 2024
<b>Related Legislation</b>	Local Government Act 2009 Planning Act 2016
<b>Related Documents</b>	Western Downs Regional Council Local Law No. 1 (Administration) 2011 Western Downs Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Western Downs Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 AS1742 Manual of Uniform Traffic Control Devices Road Hierarchy Table

Policy Version	Approval Date	Adopted/Approved
1	30/11/2011	Ordinary Meeting of Council
2	17/08/2016	Ordinary Meeting of Council
3	15/03/2017	Ordinary Meeting of Council
4	23/09/2020	Ordinary Meeting of Council

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

# Private Access Policy

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## 1. PURPOSE

The purpose of this policy is to define the areas of responsibility for design, construction and maintenance standards for vehicular accesses to properties in urban and rural areas.

## 2. SCOPE

This policy applies to all private and commercial property vehicular accesses from Council controlled roads in the Western Downs Regional Council area.

The policy does not override conditions associated with a development under the Planning Act 2016 or for vehicular access from a state controlled road.

## 3. POLICY

### **New Property Access**

A new access to a property cannot be constructed without an application to and permit from Council. It is the responsibility of the property owner/applicant to construct and maintain the access in accordance with Council's standards and specifications. The costs of construction of any vehicular crossover or driveway shall be borne by the property owner/applicant.

The *Permit to Construct Turnout to Property* application form can be obtained from Council's Customer Service Centres. The following information is required to be submitted with the application:

- i. Name of property owner/applicant
- ii. Address
- iii. Telephone number
- iv. Property description and location
- v. Location of vehicular access
- vi. Adjacent road
- vii. Type of access - i.e. gravel, bitumen culvert
- viii. Locality map

All driveways, vehicular crossovers and accesses shall be constructed in accordance with Council's standard drawings, and a copy is available at the Council's Customer Service Centres.

In considering the application, Council will review aspects as described in Council's Local Laws and Subordinate Local Laws:-

- i. Location and size of proposed works
- ii. Location and depth of services
- iii. Standard of footpath
- iv. Safety of motorists, pedestrians and cyclists
- v. Existing vegetation
- vi. Future infrastructure and roadworks construction
- vii. The number of accesses.

Drainage through or over the property access will be the responsibility of the landowner that the access serves. The levels of the property access must not restrict or redirect the drainage flow of stormwater through or over the property access that may cause the water to collect and become stagnant.



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## Commercial & Industrial Accesses

Upgrade of an existing commercial and industrial property access require application to and permit from Council's Technical Services Corridor Management.

The number of accesses permitted for each property will be reviewed at time of application and Council's preference is that properties are limited to a singular access. Application for multiple vehicular accesses for a single property will be assessed on a case by case basis.

Council will inspect the completed works to ensure all specifications and conditions are met.

## Existing Property Access – Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

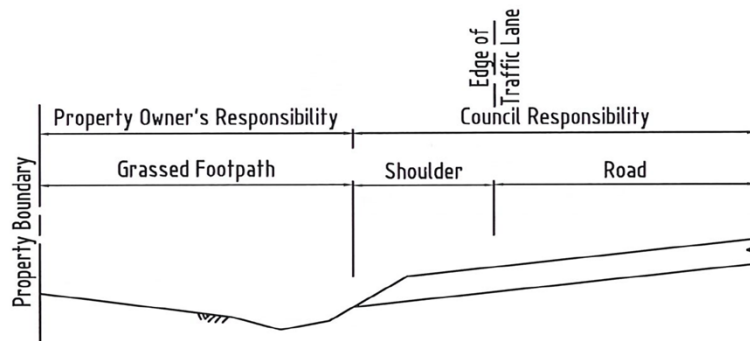
It is the property owner's responsibility to maintain the property access in a safe and serviceable condition at all times and at the owner's expense.

Property accesses, crossings or driveways existing before the adoption of this policy will not be required to be upgraded to the current standard unless the state of repair requires attention.

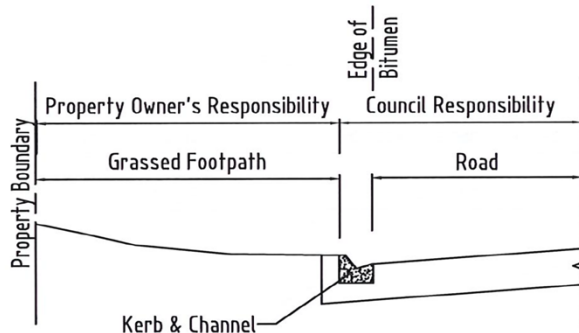
## Property Owner's/Applicant Area of Responsibility

The property owner's or applicant's area of responsibility for maintaining a property access is specified as per diagrams below:

**Figure 2: Property Owner's / Applicant's Area of Responsibility for the ongoing Maintenance of the property access.**



RURAL ACCESS



URBAN ACCESS



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## **Disused Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Disused accesses shall be removed by the property owner when directed by Council to do so, and the costs will be incurred by the property owner.

## **Unauthorised Property Access - Refer sections 11 & 12 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Where a property owner constructs an unauthorised vehicular access, driveway or crossing without Council approval, in accordance with this policy the owner may be issued with a Council letter requesting the property owner to rectify the situation. The costs associated with this action will be borne by the property owner.

Where a safety concern or drainage problem is caused by an unauthorised or inadequately maintained property entrance, Council may take action to remedy the cause of concern without reference to the property owner or occupier. At the discretion of Council any identified unlawful drainage structure may require removal and levels reinstated to ensure that the natural overland flow path of stormwater is able to flow unrestricted through the table drain, and the cost incurred shall be borne by the property owner.

## **Council Drainage and Table Drain Maintenance**

When Council undertakes drainage and table drain maintenance Council approved property accesses will be reinstated to a standard that existed prior to the works being done.

However where an access contains a culvert, pipe, asphalt or bitumen, Council will maintain drainage to within three (3) metres of both sides of the property access when undertaking drainage maintenance of the adjoining road.

## **Deviation from the Policy**

Any variance from this policy and associated procedures must have Council's written approval prior to commencement of any works.

## **New and Existing Property Access from a State-Controlled Road.**

All property accesses on State Controlled roads require approval from the Department of Transport and Main Roads (DTMR). All applications for a new property access or maintenance of an existing property access from a State Controlled road should be directed to the Department of Transport and Main Roads.

## **New Road Works or Infrastructure Works**

Where Council constructs a new road, reconstructs an existing road, or upgrades infrastructure (services), Council will ensure the existing property access is reinstated to a standard equivalent to the relevant standard drawing at no cost to the property owner.

