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Extension and/or Upgrade to Council Road Network - Council Policy

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| Effective Date | 17 July 2013 |
| Policy Owner | Technical Services Manager |
| Link to Corporate Plan | Strategic Priority: Great Liveability |
| Review Date | September 2022 |
| Related Legislation | Local Government Act 2009 Petroleum and Gas (Production and Safety) Act 2004 Transport Operations (Road Use Management) Act 1995 Transport Infrastructure Act 1994 Sustainable Planning Act 2009 |
| Related Documents | Local Law No 1 (Administration) 2011 Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011 Subordinate Local Law No 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011 Subordinate Local Law No 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011 Private Access - Council Policy Road Register |

| Policy Version | Approval Date | Adopted/Approved |
|----------------|---------------|-----------------------------|
| 1 | 17/07/2013 | Ordinary Meeting of Council |
| 2 | 07/10/2015 | Ordinary Meeting of Council |
| 3 | 19/09/2018 | Ordinary Meeting of Council |

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Extension and/or Upgrade to Council Road Network - Council Policy

1. PURPOSE

The purpose of this policy is to provide guidelines in assessing an application to extend and/or upgrade Western Downs Regional Council (Council) road network.

2. SCOPE

This policy will apply to roads managed by the Council.

This policy does not apply to a road network extension or upgrade that is subject to a development application.

3. POLICY

In accordance with the *Local Government Act 2009* a local government has control of all roads in its local government area.

State controlled roads are defined by the *Transport Infrastructure Act 1994*.

A private road is a road over land owned by a person who may lawfully exclude other persons from using the road. A local government is not liable to construct, maintain or improve a private road.

The Western Downs Planning Scheme has a provision that to construct a dwelling there must be access to a constructed road.

3.1 APPLICATION INFORMATION

An application to extend and/or upgrade the road network must be submitted in writing and contain the following information:-

- Name of applicant;
- Address and contact details of applicant;
- Reasons for road extension and/or upgrade;
- Site plans and location plans; and
- Standard of road required.

3.2 ASSESSMENT OF APPLICATION TO EXTEND AND/OR UPGRADE THE ROAD NETWORK

Council will assess each application on a case by case basis. The factors to be taken into account will be, but not limited to:-

- Community benefit;
- Safety and liability issues;
- Environmental considerations;
- Cultural heritage issues;
- Capital expenditure by Council;
- Ongoing maintenance requirements;
- Council's long term network plan;
- Council's operational plan;
- Asset Management Plan; and
- Alternative access.

After considering these factors the Infrastructure Services General Manager will determine if the application warrants further deliberation by Council.

The Infrastructure Services General Manager, after the assessment process, will determine the standard of road to be constructed.



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All works if approved will be undertaken by the Council or its nominees.

3.3 COUNCIL CONTRIBUTION TO EXTENDING AND/OR UPGRADING COUNCIL ROAD NETWORK

If the application for an extension and/or upgrade to the road network meets the above criteria Council will consider contributing funding in accordance with the following guidelines:-

| Upgrade or Extension | Council Contribution |
|---|---|
| <ul style="list-style-type: none"> • Road Extension to provide access to an existing or proposed dwelling • Bitumen • Dust Suppression | Council to undertake works if the road extension estimated cost is less than \$5,000 Applicant to pay any costs in excess of \$5,000 |
| Road extension to reconfigured lots | No Council contribution |
| Second road access | No Council contribution |
| Road upgrade of a formed road to gravel standard | Council to contribute 50% of estimated cost of works to a maximum of \$5,000 Applicant to pay balance of costs |
| Upgrade to roads identified in 10 year capital works programme | Council to contribute 100% of cost of works including drainage structures Council to determine order of priority |

Council's contribution for drainage structures other than surface drains in any road extension will be included in the contribution costs for all works where the road is not identified on the 10 year works programme.

Council will include any tree clearing expenses in the total of Council's contribution.

When permits are required by Federal, State or Local government agencies the cost of obtaining same will be included in the total estimated cost.

The applicant's costs will be the total estimated cost of works minus Council's contribution.

Council or its nominee will provide an estimate of cost of proposed works.

Where the works are assessed as meeting the criteria for upgrade but the applicant does not contribute to the costs of the works, (e.g. gravelling, dust suppression) the road will be placed on the 10 year capital works programme and a priority determined.

3.4 POLICY EXCLUSIONS

This policy relates to Western Downs Regional Council managed roads only and all requests concerning a State controlled road are to be referred to the Department of Transport and Main Roads.

This policy does not override conditions or provisions associated with a development under the *Sustainable Planning Act 2009*

This policy does not apply to:-

- a. Vehicular access from the road to the property boundary - the Private Access - Council Policy addresses the requirements and areas of responsibilities for these works.
- b. Applications made in conjunction with developments under the *Petroleum and Gas (Production and Safety) Act 2004*
- c. Private roads.

No works outside of a gazetted road reserve will be considered under this policy.



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3.5 DELEGATION

Authority in respect to this policy is delegated to Chief Executive Officer or delegate.

3.6 DEFINITIONS

Road - as defined in s.59 of the *Local Government Act 2009*:-

'59 (2) A **road** is—

(a) an area of land that is dedicated to public use as a road; or

(b) an area of land that—

(i) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and

(ii) is open to, or used by, the public; or

(c) a footpath or bicycle path; or

(d) a bridge, culvert, ford, tunnel or viaduct.

(3) However, a **road** does not include—

(a) a State-controlled road; or

(b) a public thoroughfare easement.'

Unmade road - a road with no improvement or capital investment. May be trafficable but not generally used by the public. Is not maintained by Council and is not included on the Road Register.

Unformed road - a road that has been cleared but not shaped, gravelled or sealed and is used by the public. Named unformed roads appear in the Road Register.

Formed road - a road that has been cleared and shaped to provide drainage and where natural materials form the pavement. Included in the Road Register.

Private road - as defined in s. 60(4) of the *Local Government Act 2009*:-

'60 (4) A **private road** is a road over land that is owned by a person who may lawfully exclude other persons from using the road.' Pursuant to s. 60(3) of the *Local Government Act 2009*, a local government is not liable to construct, maintain or improve a private road.

3.7 REVIEW TRIGGER:

List of factors which require the policy to be reviewed e.g:-

- Periodic review;
- Change in legislation; corporate plan, planning scheme etc affecting this policy; and
- Change in community priorities or circumstances relating to this policy.

