



## Council Policy

# Construction or Maintenance of Unconstructed Roads

<b>Corporate Plan Reference:</b>	Looking after community assets; A sustainable Council
<b>Endorsed by Council:</b>	15/09/2016
<b>Policy Author:</b>	Civil Operations Manager

### POLICY BACKGROUND

Under the *Local Government Act 2009*, Council has control of all roads in its local government area other than State roads within the meaning of the *Transport Infrastructure Act 1994*. This control includes the power to construct, maintain and improve roads. The Act does not impose an obligation on Council to construct roads or maintain roads that Council has not accepted as part of its constructed road network.

Not all properties with legal access via a dedicated road reserve have practical access via a constructed road. This Policy provides direction on requests for construction or maintenance of unconstructed roads.

### COUNCIL POLICY

Council bears no responsibility for maintenance of roads beyond its constructed road network or any obligation to extend its constructed road network to provide access to properties that are not serviced by the constructed road network. Requests for construction of roads shall be treated in the same manner as any Capital Works submission and will be listed for consideration by Council in its Budget process.

Property owners may apply to Council to construct the road to the relevant Council standard at their own cost. Subject to the issue of an Operational Works Permit and construction of the road to Council's satisfaction, Council would then assume responsibility for the on-going maintenance of the road after expiry of a 12 month maintenance and defects liability period.

No works should be undertaken by property owners within the road reserve without the appropriate Council approval. Should property owners choose to accept the current standard of access or wish to undertake limited works to create an approved driveway standard access, the section of road reserve that is being used for the access (which is not within Council's constructed road network) will not be maintained by Council.

Council's Vehicle Crossover Application covers the requirements and approval processes for driveways. Driveways up to 25m in urban areas or 45m in rural areas are self-assessable however a standard vehicle crossover application must still be lodged with Council. Any driveways which do not meet the requirements of the standards access will require Operational Works approval.

## ROLES AND RESPONSIBILITIES

This policy applies to all Council Officers dealing with requests for construction or maintenance of unconstructed roads. Council's Civil Operations Manager is responsible for developing and maintaining this policy in consultation with Councillors and staff.

## RELEVANT LEGISLATION

Local Law No. 1 (Administration) 2015

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

Local Government Act 2009

Noosa Planning Scheme Policy 5 Engineering Design Standards – Roads, Drainage and Earthworks

## DEFINITIONS

### Road

A road is an area of land that is dedicated to public use as a road (an area of land that – is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public).

### Unconstructed Road

Land that is dedicated to public use as a road but does not contain a road constructed to comply with Council's Engineering Design Standards for the use of the public for the driving or riding of motor vehicles. A road is also deemed to be unconstructed if it contains only a driveway access which provides access to one or a small number of properties.

### Constructed Road

A constructed road is a road constructed to comply with Council's Engineering Design Standards for the use of the public for the driving or riding of motor vehicles for which Council has accepted responsibility for the on-going maintenance.

### Driveway Access

A driveway access may be a vehicular crossing which provides vehicular access to a site between the carriageway and the property boundary however in the case of an unconstructed road, can extend from the constructed carriageway within the road reserve to the property boundary.

#### Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new		Council	15/09/2016
	Eg. Review			