

	Upgrading of Roads Not Constructed or Maintained by Council
	Strategic

1. Purpose

This policy aims to set out the circumstances and procedures under which property owners are able to undertake roadworks on Council public roads within the Warrumbungle Shire Local Government Area.

2. Objectives of the Policy

The expected outcomes of this policy are as follows:

- To allow property owners to provide access to their land at reasonable cost.
- To minimise requests for Council to further upgrade or maintain a road provided by a property owner.
- An understanding by property owners of the conditions under which they are able to undertake roadworks when Council is not in a position to fund the works.
- That roadworks are undertaken in accordance with set guidelines and standards to minimise risk of injury or damage to users of the road.
- To ensure that the effects on the environment are considered and adverse impacts minimised.
- To ensure that de-facto land developers are required to provide a standard of road identical to that required by subdivision.

3. Policy Scope

This policy covers those public roads vested in Council, but not constructed or maintained by Council. Within the Warrumbungle Local Government Area, there are many hundreds of kilometres of road vested in Council but not maintained by Council.

4. Background

These roads often provide the only legal access to an owner's property; however, they are not constructed or maintained by Council. In effect, these unformed roads are 'paper roads' or roads that are simply marked on a map. Often these roads traverse difficult terrain, such as flood prone areas and rocky ridges.

The relevant legal framework is contained in the *Roads Act 1993*.

- Council has no statutory duty to carry out works of construction or repair of public roads, or to keep them in repair (section 71).
- It is an offence to carry out any work on a public road without the consent of Council (section 138).
- Council can give this consent subject to conditions (section 139).
- Council can revoke this consent at any time and for any reason (section 141).
- If the road is a Crown public road, the Land and Property Management Authority will only permit work on the road if Council accepts the road as public road. Council may impose identical conditions to those that would apply to a public road.

5. Definitions

Crown Roads – public roads vested in the Crown and managed by the Land and Property Management Authority.

Council Public Road – public roads vested and managed by Warrumbungle Shire Council.

Property Owner – owner of land within Warrumbungle Shire Council.

6. Policy Statement

If a property owner intends to gain vehicular access to their land along an unformed road, then the following procedures and conditions will apply:

- A written application to undertake roadworks by the property owner on a Council public road must be lodged clearly stating the reasons for the proposal. In the case of a Crown public road, the application must be accompanied by a letter of approval from the Land and Property Management Authority (Department of Lands).
- The application will be assessed and considered by Council at an Ordinary monthly meeting of Council. If an approval is given, the property owner must undertake the works in accordance with the following standard conditions:
 - In the case of access to a single lot or where vehicle movements are likely to be less than 10 per day on average:
 - Width – 4 metres.
 - Depth of compacted gravel – 100mm.
 - Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - Drainage pipes installed to convey 1 in 10 year storm event.
 - Adequate scour protection and table drains are constructed.
 - In the case of access to multiple lots or where vehicle movements are likely to be between 10 and 50 vehicles per day on average:
 - Width – 6 metres.
 - Depth of compacted gravel – 200 mm.
 - Road grades, horizontal and vertical curves designed for a design speed of 60 kph.
 - Longitudinal grades greater than 1 in 6 are bitumen sealed.
 - Drainage pipes installed to convey 1 in 10 year storm event.
 - Adequate scour protection and table drains are constructed.
 - Preparation of road construction plans.
- The upgrading of a road to Council standards does not automatically imply that Council will maintain that road. A formal resolution from Council is required before Council assumes responsibility for maintenance of the road.

7. Responsibilities

The following officers in Council have responsibility for implementation of this policy: Manager Road Operations; Manager Asset & Design, and; Director Technical Services.

8. Associated Documents

- *Roads Act 1993.*



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9. Getting Help

Manager Road Operations.

10. Version Control

This policy shall be reviewed every four years by the Director Technical Services. The next review is Due July 2021.

Policy Name	Version	Resolution	Date
Upgrading of Roads Not Constructed or Maintained by Council	1	143	21 October 2010
Upgrading of Roads Not Constructed or Maintained by Council	2	127/1314	19 September 2013
Upgrading of Roads Not Constructed or Maintained by Council	3	30/1718	20 July 2017