

# OPENING OF UNCONSTRUCTED ROADS POLICY

## (COMMUNITY POLICY)

### 1. Scope

The Opening of Unconstructed Roads Policy (this 'Policy') applies to all unconstructed roads under the jurisdiction of Livingstone Shire Council.

### 2. Purpose

Council receives requests for an applicant to construct a road in an unconstructed road reserve at their own expense. This Policy outlines:

- Requests to which this Policy does not apply;
- Matters to be considered when assessing a request; and
- Funding responsibilities.

### 3. References (legislation/related documents)

#### Legislative reference

*Local Government Act 2009* ss 59-60

#### Related documents

Opening of Unconstructed Roads Procedure

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Road	Has the same meaning as road in the <i>Local Government Act 2009</i> .
Unconstructed road	Is either a completely unformed road or a formed road that does not have gravel paving, but which is formed using a grader or similar machinery so that stormwater will drain off laterally.

### 5. Policy Statement

This Policy addresses the provision of access to land parcels with dwellings to the standard shown in Appendix 1 of the 'Opening of Unconstructed Roads Procedure'.

#### 5.1 Application of Policy

This Policy does not apply to:

- a) Driveway accesses from the road to the property boundary. The construction of a driveway access is the responsibility of the property owner; and
- b) The road reserve beyond the point adjacent to the nearest property boundary of the applicant's property. Construction of a road/driveway beyond the nearest property boundary may be considered.

## **5.2 Heads of Consideration**

The Manager Construction & Maintenance will consider the following heads of consideration when assessing requests to open unconstructed roads.

### **5.2.1 Provision of access to a dwelling**

This will be the primary consideration.

### **5.2.2 Construction Standards**

The standard of road to be constructed must be in accordance with Appendix 1 of the 'Opening of Unconstructed Roads Procedure' based on an estimate of six vehicle movements per day, per lot, for all individual lots for which the road will pass.

### **5.2.3 Alternate Access**

Approval is unlikely if:

- a) An alternative access is available via another constructed road, whether it is within a road reserve or not; and
- b) If a road could be constructed on the applicant's private land, providing the same access as the proposed road in the road reserve.

For the section of road reserve beyond the nearest boundary of the applicant's property, Council may allow the road to be constructed as a driveway. This will only be considered in situations where the road is utilised by very few users and it looks like a private access that does not invite the public to make use of it as a road.

### **5.2.4 Terrain/Vegetation/Environmental/Erosion/Visual Amenity**

If construction of the road to the appropriate standard will be severely affected by terrain, approval is unlikely (for example, in very steep country or in areas subject to frequent floodwater inundation).

Applications may also be refused if the removal of protected, significant or marine vegetation is required for construction of the road.

### **5.2.5 Impact on Road Network/Connectivity**

In some cases the opening of a road (particularly a connecting road) may lead to undesirable effects on the road network and may require the proposed road to be constructed to such a high standard that approval is unlikely.

### **5.2.6 Planning Scheme Compliance**

### **5.2.7 Future Development Potential/Provisions**

### **5.2.8 Legal and Statutory Requirements**

This includes aspects such as Native Title and Cultural Heritage.

## **5.3 Funding Responsibilities**

Construction must be undertaken by an approved/suitably qualified contractor.

### 5.3.1 Applicant is responsible for:

- a) Payment of any associated fees (eg. application fee);
- b) Formation and construction of the road;
- c) Installation of drainage structures;
- d) Road furniture;
- e) Cartage, spreading and compaction of gravel paving; and
- f) If part of the road is constructed as a driveway - maintenance of the driveway section.

### 5.3.2 Council is responsible for:

- a) Gravel paving materials of a standard nominated by the Manager Construction & Maintenance (the quantity to be supplied must be as per the coverage nominated in Appendix 1 of the 'Opening of Unconstructed Roads Procedure'); and
- b) Maintenance of the road dictated by current maintenance standards (following completion of the works to the satisfaction of the Manager Construction & Maintenance).

## 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council.

## 7. Repeals

This Policy repeals Livingstone Shire Council Policy titled 'Opening of Unconstructed Roads Policy (v1.1)'.

Version	Date	Action
1	08/03/2016	Adopted
1.1	02/10/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer
2	21/05/2019	Amended Policy Adopted - minor updates to the purpose wording

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