

Policy Title: PROPERTY ACCESS
Policy Number: 2015.62 Version: 1
Classification: Roads and Drainage

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January 2018

Responsible Officer

Jason Raiteri

Responsible Department

Engineering Services

Revokes:

Policy Number: POLC-T1-T-001
Policy Name: Property Access
Adopted: 25 May 2011

NOTE: This cover page is not to be included when submitting a report to a Council meeting

1. BACKGROUND AND PRINCIPLES

Council wishes to establish the processes for dealing with requests relating to the maintenance and construction of driveway accesses to private property off the road pavement and to confirm Council's position in relation to responsibility and cost of construction and maintenance of vehicular and pedestrian accesses to private property from the road pavement.

The maintenance of driveways and property access is important for the following reasons:

1. improves presentation of an area,
2. removes potential nuisances and hazards, and,
3. provides property access.

The purpose of this Policy is to complement existing and future Local laws covering the issue of roadside safety, responsibility and maintenance.

2. SCOPE

This Policy will apply to all urban and rural residential areas in the Whitsunday Regional Council area.

3. POLICY OBJECTIVES

The objectives of this Policy are to:

- 3.1 Ensure the road reserve in the Whitsunday Regional Council area are in good repair and provide reasonable access for residents.
- 3.2 Ensure the cost of constructing and maintaining property access are borne by the user and not the Council.
- 3.3 Ensure Council has the ability to control development of property accesses inline with existing Australian Standards.

4. POLICY STATEMENT

- 4.1 Pipe crossings across open table drains constructed to provide the vehicular access from the road pavement to private property are to be constructed in accordance with conditions set by the Director of Engineering Services.

These pipe crossings can be constructed by Whitsunday Regional Council or by the private property owner or their agents. The cost of the construction of the pipe crossing is to be met by the private property owner. Where the pipe crossing is constructed by a party other than Council the owner or agent will be required to make a written application to Council for approval to construct.

- 4.2 Invert crossings across kerb and channel are to be constructed in accordance with standard drawings for Whitsunday Regional Council. These invert crossings can be constructed by Whitsunday Regional Council or by the private property owner or by their agents. The cost of the construction of invert crossings is to be met by the private property owner.
- 4.3 Other types of vehicular and pedestrian accesses to private properties once approved by Whitsunday Regional Council may be constructed by Whitsunday Regional Council or as otherwise directed by the Director of Engineering Services.
- 4.4 The maintenance of all forms of accesses to private properties shall be performed by the private property owners.
- 4.5 Driveway accesses shall be maintained at all times by the property owner.
- 4.6 Council will normally provide maintenance to pathways, excluding those providing access to private property only should a safety problem exist which may jeopardise Council's legal liability. Council will not be bound to provide maintenance based on aesthetics. This relates to all footpaths of all surface including but not limited to concrete, asphalt, chip seal, gravel, grass and other soil types.
- 4.7 Approved pedestrian access from a Council pathway to the property line must be constructed from concrete, asphalt or pavers and construction and maintained by the property owner.

5. RELEVANT LEGISLATION

Under the Local Government Act s28(1) the Council has the authority to develop Local laws that are necessary or convenient for the good rule and local governance of its local government area.

6. DEFINITIONS

Kerb and Channel Concrete edging of roads designed to catch and transport stormwater.

Driveway Constructed driveway within the road reserve for property access made from concrete, asphalt, bitumen, pavers, gravel etc.

Formed Road Constructed road either sealed or unsealed with or without kerb and channel.

Urban High density residential areas which usually have a house density of approximately 10 houses per hectare

Rural Residential Residential areas where the house density is 0.5 to 2 houses per hectare.

Nature Strip Section of land between a residential property boundary and the road formation

Road Reserve Area of land between the property boundaries either side of the road, which may contain a pathway and sealed or unsealed road

7. RELATED DOCUMENTS

- Whitsunday Regional Council - Local Law No. 4.

8. DATE REVIEWED

January 2017

9. NEXT REVIEW

January 2018