

	<b>COUNCIL POLICY</b>	<b>POLICY NUMBER</b>
	CONSTRUCTION OF PROPERTY ACCESS & WORKS IN ROAD RESERVATION	C 014
<b>RESPONSIBLE OFFICER</b>	<b>APPROVAL DATE</b>	<b>REVIEW DATE</b>
GENERAL MANAGER	28 March 2012	January 2021

## 1.0 PURPOSE

The Policy supports Council's vision and strategic objectives of appropriately managing assets. In order to regulate and ensure works in the road reserve are carried out to an appropriate standard and in a safe manner, the Council requires those working within the road reserve to apply for a Works in Road Reservation Permit.

The policy establishes a consistent approach for those persons or contractors wishing to carry out works in the road reserve to ensure that all access and egress onto Council roads are constructed to Council's municipal standard.

## 2.0 SCOPE

- 2.1 This policy applies to all roads and road reserves within the Tasman municipal area, which are maintainable by the Tasman Council, including road carriageways, footpaths and nature strips.
- 2.2 This policy is also designed to make clear and enforce the provisions made under the Road and Jetties Act 1935 - Part 16AA Maintenance and repair of vehicular access and the LGAT Standard Drawing "Rural Roads Typical Driveway Profile TSD-R04-v1" (as amended).
- 2.3 This policy will formalise a process whereby there is a clear understanding between Council and property owners when a property access needs to be upgraded or constructed to prevent or correct a nuisance being caused by that access.
- 2.4 This policy does not apply to works within a State Road reservation where Council does not have maintenance responsibility. A Separate Access Works Permit must be obtained from the Department of State Growth prior to commencing work.
- 2.5 A Permit to Carry Out Works in Council's Road Reservation is required for works specified in Section 46 of the Local Government (Highways) Act 1982 and includes the following works:-
  - i. Driveway construction;
  - ii. Works on nature strips;
  - iii. Service and utility works;
  - iv. Waste and shipping containers;
  - v. Under boring of roads and paths;
  - vi. Trenching and excavation;
  - vii. Works affecting pedestrian traffic;
  - viii. Works affecting vehicular traffic

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2.6 Aurora, Telstra, TasWater, TasGas, NBN and other utility providers have different requirements due to other legislation specific to their service. Whilst permits are not required from these organisations they are still obligated to conduct their works to relevant safety and traffic management standards, in accordance with the Act.

### 3.0 PROCESS

#### 3.1 Council Projects that Affect Driveways

3.1.2 If a Council project increases flow to a driveway culvert by the redirection of drainage paths, the Council is responsible for upgrading driveway culverts to suit.

3.1.3 A property owner may request that their driveway or property access is upgraded in conjunction with the works being undertaken. Approval of works will be at the discretion of Council. Any additional costs must be borne by the property owner. The Council will take no responsibility for the ongoing maintenance of the driveway.

#### 3.2 Modification of Existing or Construction of New Vehicular Crossings

3.2.1 Any person ~~wish~~ wishing to undertake construction or modification works to a vehicular crossing within the road reservation must obtain a Permit to Undertake Works Within Council's Road Reservation prior to commencing work. An application fee is applicable.

3.2.2 Generally, the number of driveways and vehicular crossings per property will be restricted to one (1). Any person wishing to construct an additional driveway or vehicular crossing to a property must demonstrate to the satisfaction of Council that the access can be used safely, will not increase the risk to the public and will not adversely impact parking in the local area.

3.2.3 All works must be completed by a suitably qualified, ~~and~~ experienced and suitably insured contractor to Council's municipal standard to ensure that it is capable of withstanding vehicle loads and to minimise future maintenance and risk to the public.

3.2.4 All costs for construction or upgrade of vehicular crossings are to be borne by the property owner.

#### 3.3 Nuisance Access – Requirement to Upgrade

3.3.1 A property access is deemed a nuisance when it causes drains to be blocked or water or gravel to ~~run~~ wash over the road or otherwise causes a negative impact on councils road and/or stormwater system

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from working effectively. This includes all property accesses that are not to a municipal standard.

- 3.3.2 Where a property access has been deemed to be a nuisance and does not meet municipal standards, Council will issue a Notice requiring the property owner to upgrade the access to the Municipal standard.
- 3.3.3 Prior to undertaking works to upgrade the access, the property owner must obtain a Permit to Undertake Works within Council's Road Reservation. A fee if applicable.
- 3.3.4 All works associated with the upgrade of the access will be at the cost of the property owner (including machinery and labour installation costs).
- 3.3.5 If remedial works specified on the Notice are not undertaken by the property owner within the specified timeframe, Council will undertake the works to abate the nuisance and charge the property owner.

### **3.4 Subdivision & Development Applications**

- 3.4.1 All new subdivisions, dwellings and other developments that access a sealed Council road shall have an individual access constructed to Council's municipal standard for sealed roads. A Start Work Notice must be lodged with Council prior to undertaking work.
- 3.4.2 All new subdivisions, dwellings and other developments that access an unsealed Council road shall have an individual access constructed to Council's municipal standard for unsealed roads. A Start Work Notice must be lodged with Council prior to undertaking work.
- 3.4.3 In some circumstances, Council may require the access to be sealed for safety or to prevent erosion problems. In these circumstances Council will seek advice from the Municipal Engineer.
- 3.4.4 Where an existing access is part of a new subdivision/development and that access meets a sealed road, that access will need to be upgraded (if necessary) to Councils adopted standard and sealed. An application must be lodged with Council prior to undertaking work.
- 3.4.5 Where an existing access is part of a new subdivision/development and that access meets a gravel road that access will need to be upgraded (if necessary) to Councils adopted standard. In some circumstances Council may require the access to be sealed for safety or to prevent potential erosion problems. In these circumstances the Municipal Engineer will assess and determine accordingly.

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3.4.6 In the case of a boundary adjustment where no additional lots are created and such adjustment is considered by Council to be of an insignificant nature (upon advice from the Council Planner) and the property is served by an existing access, Council may, through the General Manager, relax the provisions of Clause 3.4.1 and 3.4.2 of this policy.

#### 4.0 DEFINITIONS

For the purpose of this policy, the below terms are provided:-

<b>Term</b>	<b>Meaning</b>
Council road	Means a road for which the Council is responsible.
Council Municipal Drawings	Tasmanian Standard Drawings (IPWEA/LGAT)
Driveway	The driveway is the private asset, and the property owner is responsible for its maintenance and/or repair.
Driveway Culvert	Driveway culverts are private assets required to allow access over the table drain. The property owner is responsible for its maintenance and/or repair.
Endwalls, Headwalls or Wingwalls	Endwalls, headwalls or wingwalls are private assets required to retain fill at the end of culverts. The property owner is responsible for maintenance. The Council is responsible for the maintenance of the table drain upstream and downstream of the endwalls.
Road Reserve	The parcel of land between the boundaries facing properties which include roadways, footpaths and nature strips.
Vehicular Crossing	The vehicular crossing serves two purposes; it allows vehicles to safely access the driveway, and conveys stormwater along the table drain. <del>The vehicular crossing is a Council asset, the same as the upstream and downstream table drain. Council maintains the vehicle crossing so that it can effectively convey stormwater.</del> The vehicular crossing forms part of the driveway access and the property owner is responsible for its maintenance and/or repair.
Works in Road Reservation Permit	The Permit issued by Council approving work to be undertaken within the road reserve. The Permit may contain conditions that have to be met by the applicant.

#### 1.0 REFERENCES

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- *Local Government Act 1993*
- *Local Government (Highways) Act 1982*
- *Roads and Jetties Act 1935*
- *Traffic Act 1925*

This policy was reviewed and approved at the ordinary Council meeting held on 23 January 2019, resolution number 12/01.2019/C.



**Kim Hossack**  
**Acting General Manager**

Policy Approved – March 2012  
 Policy reviewed – September 2014 & January 2015  
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 Policy reviewed – January 2019  
 Policy to be reviewed – January 2021

**Disclaimer**  
 That this policy be read in conjunction with any or all other Council and/or Management Policies