



muswellbrook shire council

Road Development Standards Policy

MSC09E

Policy Objective

To provide policy guidance regarding:

- The conditions under which Council maintains roads across the Shire.
- Council's policy on changing the status of an 'unmaintained' road to a 'maintained' road.
- Council's policy regarding requests for Council to take over the upgrade and maintenance of 'unmaintained' roads.
- To provide a unique address for properties so that they can be easily identified and located.
- To ensure the naming and numbering of rights of way is regulated.
- The closure of Council roads.

The Road Development Standards Policy is intended to complement Council's Development Control Plan.

Risks being addressed

This policy ensures safe and high quality community infrastructure necessary to a regional centre.

Scope

This policy applies to all local roads in the Shire of Muswellbrook, for which Council is the designated road authority.

Contents

1. Definitions
2. Policy Statement
 - 2.1 New Roads
 - 2.2 Road Maintenance
 - 2.3 Public Ramps
 - 2.4 Naming of Roads
 - 2.5 Property Addresses and Numbering
 - 2.6 Rights of Way
 - 2.7 Road Closures Requested by Development
 - 2.8 Dedication of Public Roads
3. Delegations
4. Legislation
5. Dispute Resolution
6. Associated Council Documentation

1. Definitions

Term	Definition
Formed road	A road that does not have gravel paving, but which is formed using a grader so that stormwater will drain off laterally.
Maintained road	A road specified in Council's Road Register as being maintained by Council.
Unformed road	A road reserve that has been cleared and open to use by the public.
Unmade road	A road reserve that has had no capital improvement including clearing, formation or gravel paving. An unmade road may be trafficable or un-trafficable in all weathers.
Unmaintained road	A road that is included, or not included, in Council's Road Register, and is not maintained by Council.

2. Policy Statement

2.1 New Roads

In a number of instances a new development will require:

- the construction of a new road for access, and the road will be dedicated to Council as a Public Road; or
- the reconstruction or upgrading of an existing Public Road.

The Standards that will apply are outlined in Muswellbrook DCP 2009, and engineering guidelines such as Auspec and Austroads.

It is Council's preference that residential subdivisions (for example, land zoned R1, R2, R5, B2, B3), created under Torrens and Community Title, be provided with a Public Road access that meets Council's standards. Any requests for residential subdivisions to be served by a Private Road that doesn't meet Council's standards will require justification as to why compliance with Council's standards are unnecessary or unreasonable in that instance.

In urban areas, access to new sub-divisions or dwellings will be required to be made from a sealed road compliant with Council's engineering guidelines such as Auspec and/or Austroads. Where an upgrade to an unsealed road is required, this may be carried out by the developer at its full cost, or in the case of multiple property access along the identified, affected length of road, through the development of a Developer Contributions Plan in order to fairly apportion costs between relevant property owners.

2.2 Road Maintenance

Council will only maintain the road network recorded in the Roads Register, and within Council's approved budget.

The responsibility and cost of maintenance of unmaintained roads, whether Formed, Unformed or Unmade roads rest with the land owners who use the road for access to private properties. Approval of a dwelling on a property accessed by an unformed road does not commit Council to any upgrade construction or repair of that road.

Land owners may make a written application to Council for approval to construct a formed road, at the cost of the land owners. Applications will be assessed, and may be granted conditional approval based on conditions outlined in the policy procedure.

The formation or construction of a road to Council standards does not automatically imply that Council will maintain the road. Council will only take over maintenance of the road:

- if it provides wider community benefits and satisfies the criteria outlined in Requests for Council take over section below; and
- following construction of the road in accordance with conditional approval and its acceptance by the authorised Council officer.

Land owners may make a written application for Council assume responsibility for the maintenance of a road. Council will consider applications on an individual basis and on the merits of each individual application, and usually only where land owners agree to pay the costs to upgrade an existing unmaintained road to Council standards. Council will take the following into consideration when making a decision:

- Availability of funds (budget allocation);
- Number of residents per km – as a minimum, must be greater than 5;
- Lot size and future sub-division potential;
- Traffic volume – must be greater than 40 average annual daily traffic (AADT);
- Public, recreational and emergency services use; and
- Existing road condition, and public safety and risk considerations.

Sections of road that provide access to 5 or less residences will not be considered for addition to the maintained road list.

Private individuals or Contractors may perform maintenance on public roads that are unmaintained if they obtain S138 permit from Council. Section 138 of the Roads Act (NSW) requires that all work undertaken within Council's road reserves must have Council consent prior to work being undertaken.

The only time a S138 permit is not required is when all works (including all loading and unloading with the use of machinery, shifting of the machinery e.g. backhoes, cranes, concrete trucks, mine vehicles etc) being undertaken are carried out within the boundaries of private property. Should this be the case, Council requires written notification to this effect.

Conversely, should consolidation of properties result in a maintained road providing access to one property only, without the road traversing any other property or providing a public benefit, Council may decide to remove that road from the register of maintained roads, and to no longer maintain the identified section of road.

2.3 Public Ramps

Part 9 Division 2, Roads Act (1993), Part 6, Roads (General) Regulations 2008 imposes statutory duty on Council to inspect, maintain and repair any part of a public road which is a roadway, a pathway, a shoulder or road infrastructure. For the purposes of this section, a Public Gate and/or a Stock Grid are considered an inherent component of a road and can therefore be regarded as road infrastructure.

Whilst Council has the control, care and management responsibility of its public roads, provisions of this policy transfer responsibility to the landowner for monitoring, maintenance and repair of any Public Gate and/or Stock Grid which are permitted for use. This maintenance responsibility includes the section of road 20 metres either side of the Stock Grid.

All costs associated with the construction, maintenance and repair of a Public Gate and/or Stock Grid, as well as the section of road 20 metres either side of the Stock Grid, is the responsibility of the owner of the land to whom the Public Gate and/or Stock Grid has been granted.

This policy also requires compliance check of a permitted Public Gate and/or Stock Grid to ensure that the liability insurance is held by the land owner. Council reserves the right to undertake any maintenance or removal of a Public Gate and/or Stock Grid at the landowner's expense where it may be deemed that it poses a hazard to other road users.

If Council determines that Public Gate and/or Stock Grid is not maintained to the appropriate standard, or that the Public Gate and/or Stock Grid is not warranted, Council may remove the Public Gate and/or Stock Grid and reinstate the road at the landowner's expense.

2.4 Naming of roads

Council will not accept the use of surnames of living private citizens or those in public office except when "special circumstances" are deemed by Council to warrant or justify such use.

(NOTE: "Special circumstances" will be considered in the naming of streets, accessways and parks and reserves after private citizens or those in public office where the following criteria designed to enhance the historical fabric of the Shire are met:

- a) the person after whom the street, accessway, park, or reserve is deceased or is no longer resident in the area;
- b) the person after whom the street, accessway, park, or reserve is proposed to be named has rendered exceptional services to the Shire.)

Council has a preference for the use of Aboriginal place names, the names of Australian flora and fauna, the names of geological rocks, minerals and elements related to the Shire, or places where former Shire residents have been involved in war or peace keeping efforts sanctioned by the Australian Government.

2.5 Property Addresses and Numbering

Council is committed to ensuring the health and wellbeing of its residents by making sure their place of residence can be quickly located in an emergency. Council will apply the property numbering

principles identified in the Comprehensive Property Addressing System established by the Geographical Names Board. Each property shall have an address that is linked to a single road name.

The Comprehensive Property Addressing System was established to ensure there was a uniform approach taken across the whole of NSW. The majority of properties in the Shire have been allocated a Property Address that conforms to this approach. Occasionally, however, an owner or Council will identify a property that doesn't have a correct Property Address, and in this case the owner may initiate a request for a Property Address.

If a private property in a rural location has more than one private road/driveway providing access to separate dwellings on the one property, each access should be provided with a separate Property Number, in order to make it easy for emergency Services to find the correct property.

In any new subdivision, the Property Addresses for new lots must be created at the time the subdivision is approved and registered.

2.6 Rights of Way

Council is committed to ensuring the health and wellbeing of its residents by making sure their place of residence can be quickly located in an emergency.

In consultation with the property owners serviced by the right of way, where it is considered necessary to ensure properties have a unique and identifiable address, Council will name existing Rights of Way (ROW).

If Council receives a request from a property owner to name a right of way, the cost of approved signage and the supply of rural address plates benefiting properties are to be borne proportionally by the property owners serviced by the right of way.

Where a subdivision application in a rural area proposes access by right of way, and that right of way:

- services or will service more than 1 property; and
 - the right of way exceeds 400 metres in length,
- a condition will be applied to the subdivision consent requiring;
- a) The Applicant to include a name for the right of way for Council's approval;
 - b) The Applicant to provide and erect, at its expense, a sign that bears the approved name of the right of way. The sign shall also include the words 'Private Road' in letters approximately 30mm high. The size and style of the sign is to be the same as Council's standard street signage;
 - c) New lots serviced by the ROW are to be given an address to the ROW; and
 - d) The erection of rural address plates to identify each property.

In the case of private roads in rural locations that provide access to a primary residence and a number of rural workers dwellings, the Owner should consider naming the private road as a ROW and providing each residence with a number based on distance from the Public Road, again to help emergency services locate the correct dwelling quickly.

Rights of Way are not maintained by Council.

2.7 Road Closures requested by Development

Road closures requested by private developers will comply with the Notice of Motion entitled 'Road Closure Resolution' adopted by Council at the 12 February 2019 Ordinary Council Meeting. The adopted Road Closure Resolution provides:

1. Without predetermining any particular application under Division 3 of Part 4 of the Roads Act 1993, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of a new Local Environment Plan;
2. Review and finalisation of the Contributions Plan accompanying the Mine Affected Roads Strategy.

2.8 Dedication of Public Roads

Where existing roads have minor deviation outside the public road reserve, no action will be taken to correct this unless reconstruction work of that section of road is undertaken, or adjoining property owners request the correction of the road boundary.

3. Delegations

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this Policy.

Directors, Assistant Directors, and Executive Managers are responsible for the administration and implementation of this policy.

4. Legislation

Roads Act 1993

Roads (General) Regulations 2008

7. Dispute Resolution

The General Manager is the sole interpreter of this policy.

8. Associated Council Documentation

Muswellbrook Shire Council 2019-20 Operational Plan

Muswellbrook Shire Council Rural Road Status Report (as amended 1986)

Authorisation Details

Authorised by:	Council
Minute No:	403
Date:	30 June 2020
Review timeframe:	2 years
Department:	Community Infrastructure

Document Owner:	
------------------------	--

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made