

Policy



STRATEGIC/GOVERNANCE

USE OF ROADS

Head of Power

Section 60 of the *Local Government Act 2009* sets the parameters for a local government's control of roads.

Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan (2017-2022):

4.2 Provision of fit-for-purpose infrastructure which meets the current and future needs of the region.

Definitions

Council means Lockyer Valley Regional Council

Gate means a hinged or sliding barrier used to close an opening in a road.

Grid means a structure designed to –
a) permit the movement of pedestrian or vehicular traffic along a road; but
b) prevent the passage of livestock

Property access – means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

Roadside memorial means a monument, ornament or anything erected or placed within the roadside to commemorate a deceased person

- Road*
- The *Local Government Act 2009* states:
- (2) A road is—
- (a) an area of land that is dedicated to public use as a road or;
 - (b) an area of land that—
 - (i) is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and
 - (ii) is open to, or used by, the public; or
 - (c) a footpath or bicycle path; or
 - (d) a bridge, culvert, ford, tunnel or viaduct.
- (3) However, a road does not include—
- (a) State-controlled road; or
 - (b) public thoroughfare easement.

For clarity, the road includes all of that area from boundary fence to boundary fence.

Policy Objective

The objective of this policy is to provide a framework for the management of the use of the Local Government controlled road. By reducing the risk of unsafe use within the road, a safer road network is achieved for all road users.

Policy Statement

Council has a responsibility as the authority for the control of local roads in the region, to ensure all road users can utilise the network in a safe manner. Council has a responsibility to minimise the risk of injury and ensure the road network is maintained in a safe and environmentally sustainable manner. Standards and permits are employed to ensure any person or company working within the road or erecting permanent infrastructure, do so in a manner which meets Council requirements.

Any such work, as listed below, requires notification to Council in the form of an application for works within a road. Works are unable to be commenced until all relevant Council approvals are received by the applicant. Failure to adhere to the conditions may result in the approval permit being revoked, the infrastructure being removed and/or a penalty issued.

Conditions of approvals may include a requirement for appropriate traffic control measures during the works within the road, in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices (MUTCD).

Property accesses

The construction of property accesses to any lot, private or commercial, must be approved by Council. Council will provide advice on the required standard of construction, which must be adhered to. The cost of construction and maintenance of the property access is the responsibility of the property owner.

Where property accesses are not constructed to the Council standard, the owner may be requested to rectify the access. Alternatively this rectification work may be done by Council at the cost of the owner should Council deem the access to be a safety hazard to road users, or causing damage to the road network due to the required standard not being met.

Temporary accesses

From time-to-time temporary accesses may be required for entrance to a lot. Temporary accesses must be approved by Council to ensure the safety of the location, and to ensure the construction is deemed suitable for the temporary use with no resulting damage to the road network.

Gates and grids

Council acknowledges the rural nature of the region, and the need for gates or grids across some roads. Council will only consider approval of a gate and/or grid following the approval of the relevant State entity for a permit to occupy on the adjacent section of road. Gates and grids may be constructed after approval by Council, in accordance with *Subordinate Local Law 1.18 (Gates and Grids) 2011*, and remain the responsibility of the applicant or subsequent owner.

Should a gate or grid be deemed a road safety hazard, Council may request the owner to maintain the gate or grid. Failure to maintain by the owner may result in Council removing the gate or grid at the cost of the owner.

Roadside memorials

Roadside memorials are not generally permitted on Council roads, as they may create a distraction to drivers. In extenuating circumstances Council may allow a roadside memorial, however it should be noted that an application is required to be submitted and approved by Council. Unapproved memorials will be removed by Council.

Private pipes and associated infrastructure within the road

Permits are required for privately-owned (but not Public Utility Plant) pipes and water infrastructure within the road. This includes pipes crossing under a road, or running beside a road in the nature strip. Permits ensure Council can keep a record of the location of infrastructure to reduce the risk of damage to private and Council infrastructure.

Council will not approve the installation of infrastructure associated with a water bore if the relevant State authority has not approved the bore.

Utilities infrastructure

Service utilities such as water, sewerage, power, and telecommunications networks should be installed to the standard alignment adopted by Council where possible. Where this is not possible, Council will work with the service providers to determine the most appropriate location within the road, to ensure minimal impact on the road network.

Other structures and works within the road

Persons wishing to install other infrastructure, or undertake works within the road (other than basic landscaping works) must first apply to Council and receive approval.

Based on Council's risk management approach, infrastructure proposed in a location deemed inappropriate or deemed unsuitable for the road will not be approved.

Council's preference for the locating of mailboxes is on the property boundary, as mailboxes within the road may be a hazard to road users, including pedestrians, cyclists and horse riders.

Events on roads

Council acknowledges that some community events will require use of the road. Application is to be made to Council for the event, including details of use of the road and associated traffic management developed in accordance with the MUTCD, if applicable.

Commercial use of road (such as street dining)

Council may allow commercial use of the road if an applicant can demonstrate compliance with *Local Law 1 (Administration) 2011* and *Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*. Upon application, Council may issue a permit with conditions.

Related Documents

Local Law 1 (Administration) 2011

Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011

Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering with a Road and its Operation) 2011

Subordinate Local Law 1.18 (Gates and Grids) 2011

Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Factsheets related to this policy