

	Function: ROADS AND FOOTPATHS	Adopted: 5 TH JUNE 2013
	Policy Number: INF007	Resolution No.: C109:12
	Version Number: 2	Last Review: 18 TH JANUARY 2017
	Frequency of Review: AS REQUIRED	Resolution No.: C6:0117
UPGRADE OF ROADS POLICY		
Next Review: AS REQUIRED		

Policy Statement

This policy will be applied to existing sealed and unsealed roads that meet all of the following criteria:-

- are within public road reserves;
- all adjacent landowners agree to enter into the legal arrangements required under this policy
- are not part of a proposed subdivision.

The underlying basis of this policy is that there is currently no funding available in the foreseeable future for road upgrades from the condition they were in when residents purchased their allotments. If residents are now seeking an upgrade, the question is should the funding come from all rate payers, through higher rates for all, or from those that benefit the most and haven't previously paid for the works in their purchase price.

This policy proposes a compromise, where 50% of the funding comes from general rate revenue and 50% from those allotments that benefit directly and have requested the works.

If all owners with frontage or legal access to the road do not agree to enter into the agreement, road sealing or kerbing under this policy is not possible.

Unmade roads are not included within the scope of this policy, they need to be funded 100% by the land owners requiring the new road.

In general works required (and associated costs) for the upgrade of stormwater, are excluded from the scope of this policy.

1. Introduction

Council has some 19% of its road network in built-up areas as unsealed roads. This comprises approximately 41kms (2012). In addition, it has many kilometres of road where residents would now like the same services as the newer subdivisions that were constructed with kerbing and concrete footpaths.

Lifestyle location of choice

Currently, Council's Financial Management Plans do not provide funds for the upgrading of sealed roads without kerbing or the sealing of gravel roads.

Council's first priority is to maintain the existing infrastructure at the standard the developer left it when the land was sold. Developers normally pay for the cost of the road, underground services, kerbing, footpaths and lighting and those costs are then included in the price of the land when it is sold. Blocks without those services have generally been sold at a lower price because those services haven't been included.

In recognition that there is a potential increase in the value of individual properties when roads are sealed or upgraded, the Council cannot fully pay for the sealing of unsealed roads until its obligations have been met to maintain the communities existing road network.

Due to Council's numerous budget obligations and other community priorities, no commitments or timeframes can be made to sealing or upgrading of roads outside of this Policy. i.e. The roads may never be sealed or have kerbing installed.

Ideally upgrading of roads should coincide with Council's reseal program for the best overall result. If residents choose to upgrade their road with kerbing the road would also be ready for a concrete footpath in accordance with Council's footpath program.

Residents could then develop the road verges in accordance with Council's Verge/Footpath Development by Residents Policy. This Policy allows residents to extend their landscaping to the edge of the kerbing and footpath. As show in figure 1 and 2 below.



Figure 1 - landscaping to back of kerbing

Lifestyle location of choice



Figure 2 - landscaping to the back of footpath

It is not the intention of or within the scope of this policy to backdate any payments or seek reimbursement for prior works.

2. Applicable Legislation

Nil

3. Integration with Corporate Objectives

2.4 Infrastructure and Services:

To implement ecologically sustainable programs for development of infrastructure and management of waste

Lifestyle location of choice

4. Definitions

road means –

- a public street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes an alley or laneway.

sealing means –

- the construction of a road (earthworks, pavement and seal); and

kerbing means –

- the construction of concrete kerbs, drains and other structures for the drainage of water from a road.

5. Application

5.1 Identification of Road to be upgraded

Residents can apply, on the appropriate form, for their road to be considered for sealing or for a currently bituminised road to be upgraded with kerbing. Council staff will then write to all owners with frontage or legal access to the road or section of road and advise them of the proposed upgrade and the fixed amount of their contribution. If 100% of the owners accept the proposal, then the sealing will proceed subject to Council funding and budgets.

5.2 Cost of Upgrading

Depending on the availability of finance in any particular year, Council will contribute 50% of the cost of sealing of appropriate lengths of previously unsealed urban roads, if all landowners are prepared to contribute their portion of the 50% of the cost of that work, providing the road involved is not part of any proposed subdivision or development application.

If all landowners concerned are not prepared to contribute 50% of the total cost, the requested work will only then be considered once other priorities in Council's Annual Works Program have been funded.

Requests for sealing roads on a shared cost basis are to be considered by the Director of Infrastructure and if approved, will be placed on record and funded in order of application, if and when this is economically efficient, or when finances are available.

The costs quoted to the landowners will be fixed and any variance/ cost overruns (unless the scope of the project is changed) will be at the cost of the Council.

Lifestyle location of choice

5.3 Pre-Paid

- The total payment of the owners contribution (50% of the total cost) towards road upgrading shall be received before any work commences on site.
- The road will be upgraded and sealed to an appropriate Australian Standard, as determined by the Director of Infrastructure and council policy.

Council, at its discretion, may also allow the landowners involved to pay the full amount up front (100%) and agree to refund 50% of the cost in the next budget, should the landowner wish to have the work carried out and the Council not have the funds immediately available to undertake the works. This decision would be at the discretion of the Council at a Council meeting.

5.4 Post Paid

- The cost of the sealing of the road will initially be paid by Council.
- The road will be upgraded and sealed to an appropriate Australian Standard, as determined by the Director of Infrastructure and council policy.
- Prior to any works commencing, each landowner with frontage or legal access to the identified road is required to enter into a legal agreement with Council.
- This agreement will require the owner of the land to contribute towards the cost of sealing the road over a 5 year payment plan (payment amount indexed annually).
- If the property is sold the agreement will require any outstanding payments to be paid in full at the time of settlement of the property sale.
- The agreement will be prepared by the Council's solicitors at the cost of the landowners.
- The Council may use a Separate Rate under Section 154 of the Local Government Act 1999 as the agreement.

5.5 Calculation of Payment Amount

The owners will be required to pay 50% of the total cost of road works, evenly distributed between all property owners with frontage or legal access.

Example:

Total road sealing costs	\$50,000
Total owner's contribution	\$25,000
Number of owners	13
Individual owner's contribution	\$1,923.07(equal contribution)

5.6 Ongoing Maintenance of Road

On the completion of the road upgrade, there will be no special maintenance costs or additional charges for the ongoing maintenance of the road to the property owners. The road will be included within the Councils road network and maintained within the annual road maintenance budget.

Lifestyle location of choice

6. **Delegation**

Information regarding this policy is to be directed in the first instance, to the Director of Infrastructure.

7. **Adoption and Review**

This Policy will be reviewed as required, with the review being undertaken by the Infrastructure Department and a report provided to Council for consideration and adoption.

8. **Availability of Policy**

This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours, and on Council's website.

A copy of this Policy may be obtained on payment of a nominated fee from Councils' principal office or may be down loaded from Councils' website.

Signed 

Mayor

Signed 

Chief Executive Officer

Date 17th March 2017

Lifestyle location of choice