

POLICY



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Policy title: **PROCESS FOR THE RELEASE OF ACCESS RESTRICTION STRIPS**

Directorate: STRATEGY & SUSTAINABILITY

Branch: ECONOMIC DEVELOPMENT & STRATEGY

Policy objective: To provide a framework for the process for the release of access restriction strips covered by this policy.

Policy scope:

There are different situations in relation to the removal of access restriction strips, which depend largely upon the nature of a development. The circumstances when an access restriction strip will be released for dedication as road reserve only are as follows:

- (a) Where Council does not intend to construct an unmade road (due to lack of community support, lack of a need due to low safety risk, etc):
 - (i) A development approval has been granted by the Council and has not lapsed, but to occur relies on access via this unmade road and an access restriction strip denies legal access to the unmade road.
 - (ii) In exchange for the construction of the road in accordance with conditions of a development approval, the access restriction strip denying access to the road can be dedicated as road reserve, subject to traffic safety considerations.
 - (iii) The construction generally includes frontage works for the corresponding length of the access restriction strip proposed to be dedicated as road reserve and possibly extending that construction to the nearest existing carriageway in the road reserve.
- (b) Council has constructed or proposes to construct, partially or completely, an unmade road in advance of waiting for development to occur that would result in the construction of the unmade road in accordance with clause 1(a) above:
 - (i) A development approval has been granted by the Council and has not lapsed, that to occur relies on access via this 'Council constructed road' and an access restriction strip denies legal access to the 'Council constructed road'.
 - (ii) The access restriction strip denying access to the 'Council constructed road' can be dedicated as road reserve only in exchange for the development paying for the works carried out by the Council in advance (hereafter referred to as 'payment for works').
 - (iii) This 'payment for works' will be based on the indexed value of money spent, or to be spent by Council in constructing the road and is to be an amount determined by the Road Infrastructure Delivery branch.

- (iv) Where the road is only partially constructed (ie built in stages), the estimate is based on taking into account not only those allotments fronting onto the un-constructed portion of the road, but also those allotments fronting onto the constructed portion of the road where an access restriction strip still remains.
 - (v) The 'payment for works' will in no way influence the scheduling of work proposed to be carried out by Council in delivering a 'Council constructed road'.
 - (vi) In determining the 'payment for works', the Road Infrastructure Delivery branch will confirm the cost of construction for the 'Council constructed road' and the amount payable by each landowner that may want to request the dedication of their corresponding portion of an access restriction strip to road reserve.
 - (vii) The formula is as follows:

Total construction cost/total road frontage (to give a cost per metre) which is distributed to each individual property based on the frontage (metres) of this property to the 'Council constructed road'.
- (c) A previous development or the State Government has fully constructed what was previously an unmade road (hereafter referred to as a 'developer constructed road') that is directly adjacent to part, or all, of an access restriction strip:
- (i) The access restriction strip in place previously to deny access to what is now a 'developer constructed road' is now, subject to traffic safety considerations, redundant by the construction of the road adjacent to it.
 - (ii) Subject to written confirmation by the Council's traffic engineers that traffic safety would not be compromised with the removal of the access restriction strip, the access restriction strip can be dedicated as road reserve with no payment to the Council required.
 - (iii) The cost of preparing the necessary documentation for this to proceed will however be at the full cost of the person requesting the dedication of the access restriction strip.
 - (iv) When done in conjunction with a development approval, the dedication can be done concurrently with that development approval, but in accordance with any requirements of that development approval.

Policy statement:

1. The following process is to be adhered to, for the removal of access restriction strips at the development application stage:
 - (a) For general information purposes the property system will identify properties which have an access restriction strip adjoining them. The Digital Cadastre Database will however remain the governing data source as to the existence of an access restriction strip.
 - (b) The Development Assessment branch is to refer the application to the Road Infrastructure Planning and Road Infrastructure Delivery branches for it to determine which category the access restriction strip is in, ie either clause 1(a), 1(b) or 1(c) as detailed in the 'policy scope' above, or other which is not covered by this policy. That determination is then to be referred back to the Development Assessment branch for it to notify the applicant of the category and process to be followed to arrange for the release of the access restriction strip, when either;
 - (i) a development application is received which shows that a property has an access restriction strip across the frontage of the property; or

- (ii) a request is made to Council for the release of an access restriction strip unrelated to any development application.
- (c) If 1(a) and 1(c) from 'policy scope' is applicable, the Road Infrastructure Planning branch is to administer the conditioning of frontage works subject to traffic safety considerations.
- (d) If 1(b) from 'policy scope' is applicable, the Road Infrastructure Delivery branch is to determine the payment amount required and notify the Development Assessment branch of the amount (indexed from the date of this policy coming into effect and not from the date when the works were carried out if carried out at a date prior to this policy coming into effect) and to provide the account for which contributions are to be received to;
- (e) The Development Assessment branch, at the time of granting any development approval if the request is in response to a development application, are to advise the applicant of the amount required for the release of the access restriction strip, where applicable. Failure to do so however in the development approval process does not cancel or reduce the payment amount to Council for the release of an access restriction strip. The Road Infrastructure Delivery branch is responsible for calculating the amount whilst the Infrastructure Charges Unit is responsible for administering and receiving the payments.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME