



Contributions towards Capital Roadworks – Council Policy

1. PURPOSE

The purpose of this policy is to guide decision making when a landholder makes a request to upgrade a local road to gravel and/or sealed bitumen whereby the landholder is prepared to contribute to the upgrade. The policy has been developed to assist with the determination of an appropriate level of contribution should such an offer be forthcoming.

2. SCOPE & AUTHORITY

This policy applies to the Balonne Shire's Local Road Network for proposed capital works only. The policy does not apply to:

- the State Road Network; or
- to roadworks that are associated with a development application; or
- to a private road; or
- to general maintenance of a council controlled road.

Council has local laws that deal with alteration or improvement to local government controlled areas and roads that may apply to a request for capital works on the local road network.

This is a discretionary policy, resolved by Council under its powers in accordance with the Queensland Local Government Act (2009) Chapter 2, Section 9 which states:

9 Powers of local governments generally

(1) A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.

3. POLICY STATEMENT

3.1 Requests for Upgrades

3.1.1 Council at times receives requests from landholders to upgrade local roads, for example bitumen sealing a gravel road; add a concrete causeway to a floodway; or adding gravel to a formed or unformed road. In some cases, there is an offer from the landholder to make a financial and/or in-kind contribution to Council to expedite the works.

Council is under no obligation to accept the offer or provide matching funds in any given timeframe.

Council cannot accept in kind support by way of the offer of machinery except under a qualified preferred supplier arrangement.

Council can only accept road base materials that meet required standards (which maybe offered in kind).

3.1.2 When assessing an appropriate response to the request Council will consider the following:

- Current Budget and Capital Works Program
- Forward capital works program and Asset Management Plans
- Eligible funding programs, including disaster funding arrangements
- Ongoing maintenance requirements
- Increase in the valuation of Council's assets and ongoing depreciation
- Council's capacity to undertake the works within any given financial year
- The number of properties that benefit from the road
- The traffic count on the road (which may need to be scheduled)



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- Any safety concerns associated with the condition of the road

3.1.3 Council will acknowledge receipt of the landholder's request within three days of receipt and if the works are not programmed in the current financial year will arrange an inspection of the relevant site. A report will then be prepared for Council for consideration.

3.2 Base Level Contribution

3.2.1 The following is a guide as a base level of contribution before a project will be considered for inclusion in the works program by Council. The primary driver of the base contribution is based on road usage (average annual daily traffic – AADT).

Council acknowledges that traffic influences will be seasonal and that road conditions may at times be impacted by weather events, harvest or hauling produce to market. These traffic influences will be taken into consideration to ensure the accuracy of data and that it represents normal traffic conditions. Council will program traffic counts for most of its road network and will use this information to assist with the prioritisation of future road upgrades. Typically, Council will not consider the bitumen seal of a road until the AADT exceeds at least 150 vehicles per day.

The below table provides a guide for the level of contribution that may be required for an out of sequence project before it is brought to council for further consideration. The percentages in the tables are arbitrary and may be varied to suit Council's situation from time to time.

Base Level Contribution / Traffic Volumes	Traffic volume <20 vehicles per day		Traffic volume >20 <50 vehicles per day		Traffic volume >50 <100 vehicles per day		Traffic volume >100 vehicles per day	
Base Level Contribution – percentage of	Private	Council	Private	Council	Private	Council	Private	Council
	100%	0%	75%	25%	50%	50%	25%	75%

3.2.2 There maybe cases where special circumstances indicate that a variation to these percentages may be justified and/or may also be eligible for funding programs.

3.3 Approved Works

3.3.1 Council may resolve that the application meets the criteria to contribute funds (subject to a budget amendment).

3.3.2 Council may undertake the work or contract to its nominees.

3.3.3 The total cost of works will include all design and construct including drainage, tree clearing, permits, labour, plant and materials.

3.3.4 The landholder's co-contribution will be based on the total cost of the proposed works. Council will provide the landholder with an estimate with an option to proceed prior to works commencing.

3.3.4 If agreed, the landholder will enter into an agreement with Council. The landholder may elect to pay the co-contribution in instalments based on agreed milestones.



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4. RESPONSIBILITIES

4.1 All Councillors and Council Employees

- Shall ensure that they understand and comply with this policy to the extent that it applies to them

4.2 Managers and Directors

- are obliged to respect, promote and act compatibly with this policy.
- shall implement localised processes to ensure compliance with this policy.

4.3 Director, Infrastructure Services

- shall be the custodian of this policy.
- shall ensure that landholders receive acknowledgement and progress updates in accordance with council's customer service standards
- shall make recommendations to council on whether the request or portion thereof can be incorporated into its capital works program.

4.4 Chief Executive Officer

- shall implement control measures and processes that provide assurance that Council acts in accordance with the policy; and
- promote the policy and options available to landholders via various medians

5. RISK

This policy seeks to mitigate the risk of damage to Council's reputation by failing to prioritise capital works to meet customer expectations by offering a partnership arrangement that may expedite a road upgrade within council's resource and financial constraints. The policy aims to reduce the risk of failing to deliver Council's prioritised forward capital works program in accordance with its asset management plans and policies.

6. IMPACTS

Corporate Plan: Goal – 4 Infrastructure & Planning – effective infrastructure planning and design, construction and ongoing management to support the Shire's needs with a focus on well planned projects to suit changing needs into the future.

Human Rights Compatibility Statement: This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019.

Engagement: This policy has been developed based on benchmarking with other local governments in the region and in consultation with the elected members and Senior Leadership Group.

7. RELATED LAWS

- Local Government Act 2009 (Qld)
- Local Government Regulation 2012 (Qld)
- Transport Operations (Road Use Management) Act 1995
- Transport Infrastructure Act 1994
- Planning Act 2016

8. RELATED COUNCIL DOCUMENTS

- Local Law No 1 (Administration) 2018



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- Subordinate Local Law No 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2018
- Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Areas and Roads) 2018
- Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018
- Asset Management Policy

9. REVISION HISTORY

Revokes:

- there are no previous policies

Previous approved versions:

- there are no previous policies

Suggested to review by:

- Four years from date of adoption.

10. DEFINITIONS

Formed road - a road that has been cleared and shaped to provide drainage and where natural materials form the pavement.

Local Road Network – all roads controlled by the Balonne Shire Council in accordance with the Local Government Act 2009

Private road - as defined in s. 60(4) of the Local Government Act 2009:- '60 (4) A private road is a road over land that is owned by a person who may lawfully exclude other persons from using the road.' Pursuant to s. 60(3) of the Local Government Act 2009, a local government is not liable to construct, maintain or improve a private road.

Road - as defined in s.59 of the Local Government Act 2009:-

'59 (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) a State-controlled road; or

(b) a public thoroughfare easement.'

State Controlled Road – as defined by the Transport Infrastructure Act 1994

Unformed road – a road that has been cleared but not shaped, gravelled or sealed and is used by the public.

11. ATTACHMENTS - NIL