



Name	INF06 Private Roads
Policy Type	Council
Responsible Officer	Director of Infrastructure and Operations
Approval Date	12/12/2023
Review Date	11/12/2024

### 1. Purpose

This policy provides an outline of the types of private roads that exist within the Litchfield municipality, and how Council services these assets.

### 2. Scope

This policy applies to all roads and tracks (but not including single property driveways) which are not under the legal care, control and management of the Council or the Territory (Private Roads).

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Battle-axe access	A portion of a property that provides access to a property that runs alongside an adjacent property at a width of at least 6m (typically 10m) to provide single property connection to a public road. The access is part of the entire property and is not typically shared with other properties.
Driveway Crossover	The vehicular accessway from the road carriageway to the property boundary.
Formed Road	A road that has been formed but not constructed with a pavement. Access may be limited at periods of wet weather.
Private Road	A portion of land formed and functioning as a road which is used to access multiple properties. The land that the road exists is a portion of the adjacent properties, typically with a 3-5m wide strip that is a part of each individual property. The road may or may not be recorded or registered and gazetted and may be a track, formed, unsealed or sealed.
Right of Way	A portion of land formed and functioning as a road that has a dedicated right of way on a property title. The road does not have a formal road reserve but is vested as being a right of way to either Council, Northern Territory Government, or specific private owners.

Road	A road that has been registered and published in a Northern Territory Gazette Notice as a road.
Sealed Road	A road that has been sealed with a bituminous surface
Track	An unformed track within road reserve land that is largely used for recreational or emergency access. Access is likely to be limited at periods of wet weather.
Unsealed Road	A road that has been formed and pavement constructed, with a gravel surface.

#### **4. Policy Statement**

##### 4.1. Private Roads Overview

- 4.1.1. Council is responsible for maintaining roads that are under its care, control and management.
- 4.1.2. Council is not obligated to maintain roads not under its control, care and management.
- 4.1.3. Council is not liable for maintenance of roads not under its control, care and management.
- 4.1.4. Council's obligation to care, control and manage a road will guide Council's treatment of the private roads.
- 4.1.5. Council will not accept ownership or maintenance of private road arrangements in new subdivisions and developments in accordance with its Development and Subdivision Standards.
- 4.1.6. Private roads owned by private owners are considered to have been constructed to enable the connection of multiple properties to Council roads and Council has maintained a number of private roads as a legacy from the development of land prior to Council.
- 4.1.7. Private roads under the control of Northern Territory Government, such as on Crown Land, are not included within this policy.

##### 4.2. Private Roads Access from Council Roads

- 4.2.1. Council will maintain a suitable access from its adjoining Council owned road to private roads in accordance with its policy for driveways, INF02 Driveway Crossover.
- 4.2.2. Where a private road is under the care, control and management of Council and access is constructed as an intersection, Council will maintain the intersection.

#### 4.3. Battle-axe Maintenance

4.3.1. Council will maintain the following battle-axe accesses:

- 4.3.1.1. Cooper Road East, Acacia Hills, 415m
- 4.3.1.2. Cooper Road West, Acacia Hills, 415m
- 4.3.1.3. Ironwood Place 2, Girraween, 323m
- 4.3.1.4. Some Road, Acacia Hills, 433m

4.3.2. Battle-axe accesses not listed within this policy will not be maintained by Council. The battle-axe accesses listed are included as they have previously been maintained by Council as a result of previous Council Policies.

4.3.3. Maintenance of battle-axe accesses will be undertaken as requested, within available budgets, and at a service level no greater than that of Council roads.

4.3.4. Capital works, including resheeting of gravel, sealing and drainage works, will not be carried out by Council.

4.3.5. Council will prepare suitable agreements to enable maintenance of the listed battle-axe accesses by Council, and these will be progressively established with relevant landowners.

#### 4.4. Private Roads Maintenance and Treatment

4.4.1. The following private roads will receive maintenance and treatment by Council:

- 4.4.1.1. Gullick Road, Noonamah, 1240m
- 4.4.1.2. Hughes Road, Hughes, 1468m
- 4.4.1.3. No Name Road, Humpty Doo, 1428m
- 4.4.1.4. Notta Road, Livingstone, 1310m (sealed and unsealed section)
- 4.4.1.5. Old Bynoe Road, Livingstone, 1780m (section adjacent to Notta Road)
- 4.4.1.6. Ross Road, Acacia Hills, 834m
- 4.4.1.7. Russ Road, Tumbling Waters, 1399m
- 4.4.1.8. Sandy Road, Hughes, 1357m
- 4.4.1.9. Swamp Road, Herbert, 764m
- 4.4.1.10. Walker Road, Blackmore, 1371m

4.4.2. The level of maintenance and treatment for these private roads will include:

- 4.4.2.1. Reactive maintenance, on request.
- 4.4.2.2. Renewal of surfaces, including grading, re-sheeting for unsealed roads, re-sealing for sealed roads for the extent of the road suitable for renewal.

- 4.4.2.3. Appropriate signage to meet Australian Standards.
  - 4.4.2.4. Drainage clearing to protect road surfaces.
  - 4.4.3. Requests for works beyond the maintenance identified in 4.4.2 will be considered by Council on their merit, including the cost and benefit to the community.
  - 4.4.4. Council will manage the roads as identified within relevant approved budgets and at a service level no greater than that of Council roads.
  - 4.4.5. Council will prepare suitable agreements to enable maintenance and management of private roads by Council, and these will be progressively established with relevant landowners.
  - 4.4.6. On request by landowners or as identified by Council, private roads not identified within 4.4.1 will be considered for maintenance and management by Council, whereby following inclusion, all policy requirements will apply.
- 4.5. Private Roads – Future Council Ownership
- 4.5.1. Property owners can request to hand over a private road to Council, either through a road opening process or vesting of a right of way easement. Council will assist in this process and support landowners with the administrative process.
  - 4.5.2. Handing over of land to enable the formal opening of a road is subject to each of the following being met:
    - 4.5.2.1. The road provides access to a minimum of three properties;
    - 4.5.2.2. A road reserve width to meet NT Subdivision and Development Guidelines and to Council's approval can be achieved;
    - 4.5.2.3. There is no cost to Council for the land;
    - 4.5.2.4. All land owners confirm their agreement in writing prior to Council consideration;
    - 4.5.2.5. Council may provide in kind support (surveying, advertising, fees etc) when requested by owners (subject to Council resolution);
    - 4.5.2.6. Opening of roads process to be followed to ensure legislative requirements are met.
  - 4.5.3. Council will work with property owners, the Northern Territory Government and Power and Water Corporation to determine ongoing ownership and maintenance requirements for these roads.
  - 4.5.4. Where subdivision and development occurs that impact these properties and private roads, Council will request handover of land at that time.
  - 4.5.5. Council will lobby the Northern Territory Government and Australian Government to assist in the formalisation of roads and funding for upgrading roads to Council standards.

**5. Associated Documents**

INF02 Driveway Crossovers

INF05 Sealing of Roads

NT Subdivision and Development Guidelines

**6. References and Legislation**

Northern Territory Local Government Act 2019

Control of Roads Act 1953

Planning Act 1999

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
15/01/2020	Update to new policy template, new policy number, full review of policy content (1920/130), Replaces LC29
4/9/2012	New policy (Council resolution - PA12/CAM/056)
15/1/2020	Reviewed and updated Policy, superseding LC21
06/12/2023	ORD2023 11-242 Policy reviewed with minor amendments. Policy to be reviewed in 12 months time.