



Leasing of Council Roads Policy

POLICY OBJECTIVE

To provide Council with a framework for approval of applications for the lease of Council roads and/or road reserves.

LEGISLATIVE PROVISIONS

Roads Act 1993
Local Government Act 1993
Local Government (General) Regulations
Environmental Planning & Assessment Act 1979
Real Property Act 1990
Real Property (Legal Proceedings) Act 1970
Conveyancing Act, 1919
Biosecurity Act 2015
Biodiversity Conservation Act 2016

POLICY STATEMENT

This policy does not relate to the leasing of Crown Roads which are administered by Department of Planning & Environment – Crown Lands. In addition, this policy does not apply to outdoor dining areas.

Council will consider leasing a Council Road and/or road reserve to an adjacent property owner subject to the following conditions:

1. The area of land to be leased is to be determined in consultation with the Director Operations.
2. The lease will be undertaken in accordance with the *Roads Act 1993 and other legislation referred to above*
3. The lease will be for a maximum period of five years
4. The lease fee will be set in Council's Operational Plan. Advertising costs to be paid on initial application for lease (if applicable)
5. The lessee shall pay all costs associated with the required advertising etc. of the lease (if applicable)
6. Continuation of the lease may be reviewed on application by the lessee prior to the expiration of the first five-year period. There is no guarantee the lease will be extended
7. The lessee shall be responsible for controlling noxious weeds and animals in the leased area
8. All necessary fencing with adjacent private property and adjacent roads shall be carried out by the applicant to Council's standard for rural road fencing.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	15 May 2007	07/230	15 May 2007	15 May 2007
2	19 May 2009	09/264	6 July 2009	6 July 2009
3	16 April 2013	13/136	7 June 2013	7 June 2013
4	18 July 2017	2017/326	18 July 2017	18 August 2017
5	6 September 2022	2022/315	6 September 2022	4 October 2022
All policies can be reviewed or revoked by resolution of Council at any time.				

DIRECTORATE Corporate & Community Services

BUSINESS UNIT: Property & Community Services