

	<p>Road Rent Agreements Policy Policy No. WKSPOL 16</p>	Version No:	1.0
		Responsible Officer/s:	Works Manager
		Issued:	24 June 2019
		Next Review:	September 2023

1. Purpose

The purpose of this Policy is to outline the process and conditions that are to be followed when issuing Road Rent Agreements.

2. Scope

This policy applies to all situations whereby a request to rent an unformed road within the District Council of Grant has been received.

3. Definitions

Road Reserve means land under the care and control of Council which has been set aside for the purpose of a public road, whether or not it is being used for that purpose are.

4. Policy

District Council of Grant's road network consists of over 2,000 kilometres of road reserves. Whilst approximately two thirds of these are constructed and used by the general public, the remaining road reserves have been planned, with titles created, but have not been built. These roads are referred to as unformed roads.

Council issues permits (commonly referred to as Road Rent Agreements) to individuals and businesses that occupy the unformed roads, pursuant to Section 222 of the Local Government Act 1999 (the Act). These individuals and businesses are generally the owners of properties that adjoin these unmade roads and that utilise them as part of their property for activities such as stock grazing and horticulture.

The main purpose of issuing these permits is to provide statutory authorisation to property owners allowing them to use Council roads reserves for private and business uses. The permit provides clear terms and conditions about the type of activity that may occur on specific sections of Council road reserves. The permit also requires the holder to obtain adequate public liability insurance for activities undertaken pursuant to the permit.

4.1 Access

The permit provides the holder with the right to use the road reserve, but the right does not entitle the holder to exclusive use or possession. The permit holder must make adequate provision for others to have free, safe and unrestricted access over the area to which a permit may pertain.

The road may be fenced but must allow for an unlocked gate, and if required by Council, signage to confirm that the land is publicly accessible.

4.2 Term

Permits are issued for a period of up to five (5) years and all permits expire on 30 June of the same year for consistency. Prior to expiry, Council will review the road reserves currently subject to permits and if deemed appropriate, will contact the permit holder to ascertain if they wish to enter into an agreement for a further five year period. If the current permit holder wishes to continue use, then the appropriate public consultation will be undertaken. Should expressions of interest from other adjacent landowners be received for the same road reserve, then Council will make a decision as to who a permit is issued to.

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Should a change in ownership of the adjoining land holding occur during the term of the permit, then the permit is considered expired. Council may contact the new land holder to offer a new permit if considered appropriate.

4.3 Consultation

Section 223 of the Act requires that public consultation is undertaken before granting a permit and this is carried out in accordance with Council's Public Consultation Policy.

4.4 Fees

A fee per hectare (with a minimum of one hectare) is payable annually in advance by the permit holder. The fee is reviewed and adopted by Council on an annual basis.

4.5 Other General and Special Conditions

Other general and special conditions are detailed in the permit.

5. **Responsibilities**

Council Officers have delegated authority to issue permits.

6. **References:**

Local Government Act 1999
Public Consultation Policy

7. **Review**

This Road Rent Agreement Policy shall be reviewed by the District Council of Grant at minimum every four (4) years, within 12 months of a general election (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	24 June 2019	19078.5