



Gladstone Regional Council

Council Policy

Title	CONSTRUCTION OF ROADS IN RURAL AREAS
Policy Number	P-2014/10
Responsible Directorate	ENGINEERING SERVICES
Responsible Officer	MANAGER ROAD SERVICES
Date of Adoption	15 JULY 2014
Resolution Number	G/14/2079
Date Review Due	15 JULY 2017

1.0 PURPOSE:

Gladstone Regional Council (Council) owns public roads for the community to use under the Local Government Act. The Act confers a “right of passage” by a member of the public to pass along a public road, subject to such restrictions as are imposed by the Council or law.

This policy sets out Council's response to requests to construct roads on road reserves under the care and control of Council, where no pavement currently exists. Typically these requests relate to historical subdivisions in rural areas which have gazetted road reserves but no constructed or maintained road assets.

The objectives of this policy are to clearly articulate that Council: (a) is under no obligation to construct a road or pavement;

- (b) is under no obligation to extend the length of an existing road;
- (c) is under no obligation to upgrade the level of service or hierarchy class of an existing road;

And to:

- (a) establish the basis and process for staff to deal with requests to construct new, lengthen existing and/or upgrade the level of service of roads;
- (b) ensure that there is a process that ensures all requests to construct new, lengthen existing and/or upgrade the level of service of roads are dealt with in a consistent, transparent and equitable manner;
- (c) ensure that there is a fair and transparent process in place for the improvement of formed, unformed and unmade roads.

2.0 SCOPE:

This Policy applies to current and existing gazetted road reserves under the jurisdiction of Council.

To be clear this policy does not apply to new road reserves created by the reconfiguration of existing lots in accordance with a Council approved Development Application.

3.0 RELATED LEGISLATION:

- Local Government Act 2009
- Local Law 1 (Administration) 2011
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- Subordinate Local Law 1.15 (Carrying Out Works on a Road or Interfering With a Road or its Operation) 2011

4.0 RELATED DOCUMENTS:

Nil

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

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, ferry, ford, punt, tunnel or viaduct.

However, a road does not include—

- (a) a State-controlled road; or
- (b) a public thoroughfare easement.

AADT Annual Average Daily Traffic, determined by the Chief Executive Officer (or delegate)

Formed Road A public road reserve that does not have gravel paving but which is formed using a grader so that stormwater will drain off laterally. (Typically defined as LOS 7 Road)

RPEQ Registered Professional Engineer Queensland

Unformed Road	A public road reserve that has been cleared and open to, and customarily used by the public. (Typically defined as LOS 8 Road)
Unmade Road	A public road reserve that has had no capital improvements including clearing, formation and gravel paving. Notwithstanding, an unmade road may be trafficable or un-trafficable in all weathers.

6.0 POLICY STATEMENT:

There is no legal obligation on Council to undertake capital improvements on unmade, unformed, or formed roads within a public road reserve for the purpose of access by the land owner to their land. Thus, Council will not undertake capital improvements to unmade, unformed, or formed roads except where a benefit to the community can be demonstrated such as access to beaches, camp grounds and tourist attractions etc. Community benefit and thus any work is to be determined by a specific Council resolution.

Should a landowner require access via an unmade, unformed or formed road Council expects that the landowner will upgrade the road access at their cost. This puts them in the same situation as a subdivider who has to upgrade roads at their cost as part of a new development.

All applications for carrying out capital improvements on Council roads must be made under Subordinate Law 1.15 (Carrying Out Works on a Road or Interfering With a Road or its Operation) 2011.

Where Council receives an application from a property owner for capital improvements to unmade, unformed or formed roads Council approval may be given provided:

- 1) the applicant undertakes the approved works at no cost to Council; and
- 2) in addition to the standard conditions applicable to Council approvals for the undertaking of works on Council controlled roads the applicant:
 - (a) obtains all State Government approvals before any works commences
 - (b) engages, a registered engineer (RPEQ) at the applicant's expense to:
 - (i) prepare and certify design drawings and specifications in accordance with Council's standards and/or to the requirements specified by the Chief Executive Officer (or delegate);
 - (ii) certify that the works, when complete, conforms to the approved design and specifications
 - (c) engages a competent contractor, approved by the Chief Executive Officer (or delegate), to carry out the works.

Where a public road is constructed to a standard approved by the Chief Executive Officer (or delegate), Council will continue to maintain the road to a standard set by resource and budgetary constraints applicable within each financial year in accordance with Council Asset Management Planning.

Council does not condone or accept any responsibility for any work carried out on a Council road under the care and control of Council, without its written permission. Unauthorised work will not be maintained or improved in any manner by Council, and the Chief Executive Officer (or delegate) may direct staff to remove unauthorised material or obstructions or control

access if a safety risk to the public or environment has been established by the Chief Executive Officer (or delegate).

No maintenance or legal liabilities are accepted by Council for works approved by other authorities, ie clearing.

REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review - 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	15 May, 2012	G/12/1039
Amendment 1	15 July 2014	G/14/2079
Amendment 2	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>
Amendment 3	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>

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STUART RANDLE
CHIEF EXECUTIVE OFFICER