



Gladstone Regional Council

Council Policy

Title	MAINTENANCE OF UNFORMED OR UNMADE ROADS
Policy Number	P-2014/12
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 carry out improvements, minor repairs or maintenance on unmade or unformed roads within road reserves under the care and control of Council and includes guidelines for Council to commence condition assessments and routine maintenance of such roads after improvements have been undertaken.

The objectives of this policy are to establish the basis and process for staff to deal with requests to carry out improvements, minor repairs or maintenance to unformed or unmade roads including guidelines for Council to commence condition assessments and routine maintenance of such roads in a transparent and equitable manner, and clearly articulate that Council may permit:

- (a) other competent and legal entities to undertake improvements, minor repairs and maintenance subject to certain conditions.

2.0 SCOPE:

This Policy applies to historical gazetted road reserves under the jurisdiction of Council.

3.0 RELATED LEGISLATION:

- Local Government Act 2009
- Local Law 1 (Administration) 2011

- 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)
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 the Council to carry out improvements, minor repairs or maintenance to unformed or unmade roads. Thus, Council will not carry out such works except where a benefit to the community can be demonstrated such as fire fighting access, weed control etc. Community benefit and thus any work is to be determined by the Chief Executive Officer (or delegate).

Should a landowner require access via an unmade, or unformed road Council expects that the landowner will provide that 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 improvements, minor repair or maintenance works 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 carrying repair or maintenance works on Council roads to formed roads or gravelled 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 will be required to ensure that:
 - (a) the applicant obtains all appropriate State Government approvals before any works commences (ie clearing etc)
 - (b) no clearing of vegetation occurs without approval from the Chief Executive Officer (or delegate).
 - (c) no gravel is placed on the road without the approval of the Chief Executive Officer (or delegate).
 - (d) the work does not unduly affect or inconvenience neighbouring property holders.
 - (e) The works starts and is completed during daylight hours within time specified within the approval and no equipment or resources is stored within the road reserve prior to, during, or after the works.
 - (f) All affected landholders (ie regular users) and Council have been notified 2 working days prior to work commencing.
 - (g) the work is undertaken and protected by a competent legal entity (ie an experienced Civil Contractor with relevant experience , not an individual person), approved by the Chief Executive Officer (or delegate).
- 3) given the typically isolated location, small scale of works and infrequent (if any) public usage of unformed and unmade roads, Public Liability insurance to the value of \$20,000,000 will generally not be required by Council.

Council has no obligation to maintain works carried out in accordance with this policy.

Council may consider commencing condition assessments and routine maintenance on road reserves for which improvements have been undertaken in accordance with this policy subject to the following

- a) Council has inspected any and all previous improvements, minor repairs and maintenance undertaken in the road reserve and is satisfied with the works
- b) The bulk of the works are no less than 6 months old.
- c) The existing road and or access is within the designated road reserve and directly joins a road that Council currently inspects and maintains

- d) The improvements within the nominated road reserve services more than (1) Council approved dwelling that has been continuously occupied for more than 2 years,
- e) The road reserve has been formally named by Council
- f) Council specifically resolves to accept responsibility for condition assessments and routine maintenance.

Council does not condone or accept any responsibility for any work carried out on a Council road reserve 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.

7.0 ATTACHMENTS:

Nil

8.0 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