

## UNMADE OR UNFORMED ROADS

### APPROVALS

<b>POLICY NUMBER</b>	EI-POL-094	<b>DOC.ID</b>	4624868
<b>CATEGORY</b>	Community		
<b>POLICY OWNER</b>	Infrastructure Planning and Technical Services		
<b>APPROVAL DATE</b>	26 June 2024	<b>RESOLUTION NUMBER</b>	8779

## OBJECTIVE

The objective of this policy is to establish Council's position on the maintenance and development of unformed and unmade roads, on an objective needs basis within Council's budget affordability, and provide guidance on the assessment of applications for capital improvements.

## SCOPE

This policy applies to current and existing gazetted road reserves under the jurisdiction of Isaac Regional Council (IRC). This Policy does not apply to developments that are covered under the *Planning Act 2016*.

## DEFINITIONS

TERM / ACRONYM	MEANING
Competent legal entity	A company or organisation that has legal rights and responsibilities (e.g. competent civil construction contractor).
Council / IRC	Isaac Regional Council.
Formed Road	A public road reserve that does not have gravel paving, but which is shaped (formed) so that stormwater will drain off laterally and may be used by the public.
Unconstructed Road	An unformed or unmade road.
Unformed Road	A public road reserve that has been cleared and open to, and customarily used by the public.
Unmade Road	A public road reserve that has had no capital improvements including clearing, formation, and gravel paving.

## POLICY STATEMENT

Council has a corporate objective of providing and maintaining infrastructure to a standard that meets the needs of the community in an economically, socially, and environmentally sustainable manner. An extensive proportion of Council's road network is unconstructed roads, and Council's available financial resources constrains its ability to accommodate many maintenance and upgrade requests.

This policy outlines the assessment criteria to be applied when determining what unconstructed roads are to be developed within the limits of financial affordability. The intent of the policy is to ensure that such assessment criteria is applied consistently and objectively, to ensure a transparent, methodical, and equitable approach in allocating resources for the development of unconstructed roads.

### Responsibility for Maintenance of Unconstructed Roads

Council does not maintain unconstructed roads and therefore Council does not assume responsibility for any lack of maintenance, including maintenance of safe transport functionality, on those roads.

Council maintains roads that are included on the Isaac Regional Council Road Register. These roads are usually constructed by Council or by another party (in accordance with Council standards) and formally conferred to and accepted by Council.

The cost of maintenance of unconstructed roads is the responsibility of landowners who use the road for access to private property. Where access is only for a single property, the landowners may choose to upgrade the section of road to a standard lower than Council would accept (akin to a driveway) to access their property. In such circumstances, the cost and ongoing maintenance of the road remains the responsibility of the landowner.

Although there is no obligation to undertake maintenance on unconstructed roads, in certain circumstances Council may decide to assume responsibility, including in the following instances:

- For maintenance of fire access tracks.
- Emergency service access requirements (if assessed as acceptable by Council).
- For Council's own needs/requirements.
- Where there is an identified hazard or risk of significant injury or life not covered elsewhere in this policy.

Should a landowner require access via an unconstructed road, Council expects that the landowner will provide that access at their own cost. Where Council receives a written request to carry out minor repairs or maintenance to an unconstructed road at no cost to Council, approval may be given by the Chief Executive Officer (or delegate) subject to the following conditions:

- a. The applicant obtains all appropriate State and Federal Government approvals before any work commences (i.e. clearing of vegetation, environmental approvals, etc).
- b. No gravel is placed on the road without prior written approval of the Chief Executive Officer.
- c. The work does not unduly affect or inconvenience neighbouring landowners.
- d. All affected landowners (i.e. regular users) and Council have been notified 2 working days prior to work commencing.
- e. The work is undertaken and protected by a competent legal entity.
- f. The landowner must negotiate and formalise any legal right of entry (e.g. easement) where the access traverses another property.

## Requests to Upgrade Unconstructed Roads

Council will accept written applications to construct a formed road by an applicant/s. Applications will be assessed and may be granted conditional approval based on the principles outlined in this policy.

Conditions and standards of construction will generally be as specified in the Capricorn Municipal Development Guidelines (CMDG), other relevant engineering standards and guidelines in this policy. The Chief Executive Officer (or delegate) is authorised to amend these engineering standards as appropriate to the situation.

The construction of a road to Council standards does not automatically imply that Council will maintain the road. Council as a rule will only assume maintenance of the road if it provides wider community benefit and satisfies the conditions outlined in the section below. At this point the road will be listed on Council's Road Register.

Council will consider applications individually based on:

- The merits in upgrading an existing unconstructed road.
- Costs associated with its maintenance and subsequent management responsibilities.

Factors that will be considered include:

- Has the road has been constructed to a standard acceptable to Council?
- Is there an acceptance of an Infrastructure Agreement by the nearby residents?
- Is the road named and signed?
- Was the road previously constructed by or regularly maintained by Council?
- Does the road contain assets owned and maintained by public service authorities (e.g. gas, electricity, telecommunications, sewerage and water)?
- Does the construction of the road provide clear benefit to more than one landowner?
- Is the road required for fire or emergency services access purposes?
- Does the road connect into and form part of a wider network of public roads?
- Is the road fenced on both sides?
- Does the road have a minimum traffic count of an average of 30 vehicles per day (based on service interference feasibility) on a regular basis?

Council's decision on upgrade requests will be binding and final.

## Permits, Approvals and Legal

- A Working in Road Corridor permit is required prior to commencement of any works on unconstructed roads.
- Unconstructed roads will continue to remain as the lawful access to adjoining properties and Council is not obliged to assist landowners in establishing practical access.
- Unconstructed roads subject to a State permit or lease or license under the *Land Act 1994* will require the permit, lease or license holder to undertake maintenance in these areas.
- No maintenance or legal liability is accepted by Council for works approved by other authorities, e.g. clearing.
- No legal liability is accepted by Council for usage that does not comply with requirements under this policy.
- No maintenance or legal liability is accepted by Council for instances where natural disasters/ calamities affect the condition of unconstructed roads.

## LEGISLATION AND RELATED GUIDELINES

- *Local Government Act 2009*
- *Land Act 1994*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- Subordinate Local Law No. 1.1, 1.14 and 1.15