

MAINTENANCE OF UNFORMED OR UNMADE ROADS POLICY

Adopted Date: 27 June 2012
Policy Number: GRC 0058
Policy Type: Strategic
Responsible Officer: Director of Engineering Services
Department: Engineering Services

Version	Decision Number or CEO Approval	Decision Date	Status / History
1	GRC 0058	27 June 2012	Review June 2013
2	GRC 0058	25 September 2013	Review September 2018
3	OM-0177/18	26 September 2018	Review September 2023
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1. DEFINITIONS

The *Local Government Act 2009* Section 59 defines:

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.

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. A formed road would usually have table drains, outlet drains and crossfall with the running surface consisting of natural materials.

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. Notwithstanding, an unmade road may be trafficable or un-trafficable in all weathers. Unmade Roads are not included in Council's Road Register and are not maintained.

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2. BACKGROUND

Goondiwindi Regional Council owns roads for the community to use under the *Local Government Act 2009* (the 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 Council or law.

This policy sets out Council's response to requests to carry out minor repairs or maintenance on unmade or unformed roads within road reserves under the care of control of Council.

3. POLICY STATEMENT

There is no legal obligation on Council to carry out 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 strategic 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.

Where Council receives a request to carry out minor repairs or maintenance to an unformed or unmade 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 Government approvals before any works commences (i.e. 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 work starts and is completed during daylight hours within one week and no equipment or resources is stored within the road reserve prior to, during, or after the works.
- f) All affected landholders (i.e. 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, approved by the Chief Executive Officer (or delegate).
- h) 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.
- i) The required works will be of a minimum for access purposes only.

Council will not maintain works carried out in accordance with this policy.

Council does not condone or accept any responsibility for any work carried out on a 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, i.e. clearing.

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4. POLICY OBJECTIVES

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

- Other competent and legal entities to undertake minor repairs and maintenance subject to certain conditions.

5. SCOPE

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

6. REVIEW DATE

26 September 2023

7. ATTACHMENTS

Nil