

Policy Title:	UNFORMED ROADS POLICY
Policy Subject:	Roads
Policy No:	#907854 v10 – CP073
Directorate:	Infrastructure Services
Department:	Infrastructure Planning
Section:	
Responsible Officer:	Executive Manager – Infrastructure Planning
Authorised by:	Director Infrastructure Services
Adopted Date:	28/09/2016
Review Date:	28/09/2020
Amended Date:	23/08/2017
Risk Assessment:	Low

Purpose:

This policy sets out Council's position with regard to the management of unformed roads in the Fraser Coast Local Government Area.

Definition:

An **Unformed Road** is a road reserve that has no constructed road or no road assets that are maintained by Council. It can contain property access tracks or other infrastructure approved by Council through its local laws or by the State Government through a permit to occupy.

Policy:

Council possesses no statutory obligations under the Act or any other statute to upgrade or construct a road to a particular property for access purposes.

This means that:

- 1) The fact that a road has been formally dedicated (and is therefore under Council's control as the road authority) does not in itself create a mandatory duty to carry out road construction or maintenance;
- 2) The carrying out of road construction remains a decision by Council which is made having regard to resourcing and financial constraints and relative priorities as outlined in Council's *Infrastructure Investment Priority Framework*; and
- 3) Should a landowner require access via an unformed road the construction and maintenance of that access is the responsibility of the landowner. All applications for carrying out improvements, minor repairs or maintenance works on Council roads must be made under Local Law 1 (Carrying Out Works on a Road or Interfering With a Road or its Operation).

COUNCIL POLICY

Unformed Roads

- Council does not undertake any maintenance, repairs or improvements to an unformed road unless indicated elsewhere in this policy.

Consideration of Requests to Construct New and/or Maintain Unformed Roads

The Director, Infrastructure Services may determine requests as follows:

1. Request for Council to undertake maintenance

A property owner may request that Council undertake private works to grade or otherwise maintain a property access track. The property owner is responsible for all costs. A quotation will be provided with a scope of works and payment must be made before any works are undertaken. This is subject to available resources.

2. Request to construct a property access track

An applicant may make an application to Council under Local Law 1 to construct a property access track in an unformed road. Should the works be approved, the construction, management and future maintenance costs of the access track are the responsibility of the applicant.

3. Request to close a road

Council will generally support any application to the Department of Natural Resources and Mines for the permanent closure of any unformed road reserve where:

1. it is not required for access to other properties;
2. the road does not provide any public benefit and all property owners agree to the road closure; and
3. the road is not required for other purposes.

4. Request for Council to construct road

Where the request is for Council to construct and maintain an unformed road the following criteria including/ but not limited to shall be considered:

1. the number of approved dwellings being serviced;
2. wider community benefit (missing links, bus routes etc);
3. the length of proposed road;
4. legal and practical access;
5. topography, drainage and other constraints;
6. ongoing maintenance costs and resourcing;
7. available alternate access;
8. cost/benefit, resourcing and priorities;
9. environmental concerns (vegetation removal etc) and
10. external approvals.

COUNCIL POLICY

The Director, Infrastructure Services may determine requests for new roads after consideration of the assessment criteria. New unfunded road projects considered to have merit will be listed for future funding consideration in the capital works budget for approval by Council.

5. Request for resident to construct the road

If a property owner offers to cover the initial cost of constructing a new road to Council standard, the following criteria including but not/limited to shall be considered:

1. the number of approved dwellings being serviced;
2. wider community benefit (missing links, bus routes etc);
3. legal and practical access;
4. ongoing maintenance costs and resourcing;
5. cost/benefit, resourcing and priorities;

Where unformed roads are properly constructed to Council standard, the Director Infrastructure Services will give consideration to include the road as a Council asset for ongoing maintenance.

Ineligibility for road construction consideration

Requests for new road construction will generally not be supported where:

- does not meet the overall criteria assessment;
- unacceptable cost burden on both financial and operational resources;
- higher priority infrastructure requirements;
- properties have alternate legal (and practical) access from a constructed road maintained by Council;
- there are no approved dwellings requiring access;
- works may result in undesirable vehicle movements such as rat running; or
- works may significantly affect stormwater levels or flows.

HEAD OF POWER:

Local Government Act 2009, Section 60

RELATED LEGISLATION AND POLICY:

Local Government Act 2009
Local Government Regulations (2012)
Local Law 1 (Administration)
Infrastructure Investment Priority Framework Policy