

Management & Maintenance of Unmade 'Paper' Roads Policy



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Service Unit	Asset Management
Directorate:	Community Assets & Infrastructure
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1. Purpose

The purpose of this policy is to establish a framework for making consistent, structured and justifiable decisions as to whether a road or area of land is reasonably required for general public use and is therefore considered to be a “public road” for the purpose of including it in Council’s Register of Public Roads.

2. Context

Under Section 19(1) of the Road Management Act 2004, ‘A road authority must keep a register of public roads specifying the public roads in respect of which it is the coordinating road authority’. For a road to be included in the register Council has to decide whether ‘... the road is reasonably required for general public use.....’ Section 17(3).

Council is not obliged to assume responsibility for any road until it has made a decision under the Act, that the road is reasonably required for general public use. This policy sets the criteria for when a road will be deemed required for general public use and subsequently added to Council’s Register of Public Roads. The inclusion in the register is an acknowledgement by Council that it is the coordinating road authority with respect to the road, and therefore has the responsibility for its ongoing management and maintenance in accordance with the service levels defined in its Road Management Plan.

‘Paper road’ is a term commonly used for a road that is legally established (ie. a designated road reservation is recorded in survey plans) but the physical road has not formally been constructed. Paper roads typically comprise a natural surface generally cleared for access to property and formed only with a worn path from local vehicle usage. Paper roads are not uncommon, with several hundred kilometres throughout the Shire. Although the public have the right to access these road reservations at any time, they are not included on Council’s Register of Public Roads and as such, are not managed or maintained by Council.

3. Policy Objectives

This policy will specify the criteria for the expansion of Council’s existing road network considering a range of impacts and providing a framework for making consistent, structured and justifiable decisions as to whether a road or area of land should be included on Council’s Register of Public Roads.

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4. Definitions

Public Highway	Any road area over which the public may pass as a right (all Government Roads are Public Highways).
Maintained Road	A constructed road that has been included in Council's Register of Public Roads and is therefore managed and maintained in accordance with its Road Management Plan.
'Paper' Road	'Paper road' is a term commonly used for a road that is legally established and recorded in survey plans, but the physical road has not been formally constructed. They typically comprise a natural surface and exist only on paper. Paper roads are not included on Council's Register of Public Roads.
Private Access Roads	Tracks that may provide access to land parcels and have the characteristic of a private driveway. In addition, a small number of constructed roads within the Shire are private roads owned and managed by an owner's corporation. Council is not responsible for these roads and they are not included in the Register of Public Roads.
Fire Access Tracks	Formed or unformed tracks which have been identified by the Country Fire Authority (CFA) specifically to provide access for emergency vehicles and are listed within Council's Municipal Fire Management Plan.

5. Scope

This policy relates to paper roads within the local road network in Moorabool Shire. It does not apply to roads or road reservations under the management of other authorities such as Regional Roads Victoria, the Department of Environment, Land, Water & Planning, water authorities or private access roads.

6. Policy

Responsibility for Maintenance of Paper Roads

Council is not obliged to assume responsibility for any paper road until it has made a decision under the Road Management Act 2004 that the road is reasonably required for general public use and includes the road on its Register of Public Roads. These roads have typically been constructed by Council or by another party to Council standards and formally handed over to and accepted by Council.

Should a landowner/s require access to private property via a paper road, the cost of any maintenance of that road is the responsibility of the land owner/s who use the road for access. Property owners may also choose to upgrade the section of road to a standard lower than Council would accept (akin to a driveway) to access their property, however this will be at their own cost and continued maintenance responsibility.

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Paper roads may also be subject to a license by adjacent land owners under the Land Act. Similarly, in such circumstances, Council would not include this section of road in the public register nor undertake any road maintenance.

Although there is no obligation to undertake maintenance on paper roads, the following exceptions may apply:

- Maintenance of fire access tracks as defined by the CFA and Municipal Fire Management Plan.
- To reduce fire risk at the request of the CFA.
- Where there is an identified hazard or risk of significant injury, or other legislative requirement (ie. weed control, drainage etc) considered on a case by case basis.

Upgrading Paper Roads

Council will accept written applications from residents to formally construct a road and applications will be generally assessed against the criteria outlined in this policy.

Conditions and standards of construction will typically be in accordance with the Infrastructure Design Manual (IDM) and relevant engineering standards. The General Manager Community Assets & Infrastructure has the authority to amend these requirements appropriate to the situation.

The formation/construction of a road (through any mechanism) to Council standards does not automatically imply that Council will include the road in the Register of Public Roads and assume management and maintenance responsibility. Council as a rule will only take on the management and maintenance of a road subject to the availability of funds, if it provides wider community benefit and if it satisfies the following minimum criteria, determining it 'reasonably required for public use'.

Mandatory Criteria (both must be satisfied)

- The road is a public highway
- The road has been constructed to a standard acceptable to Council or Council has previously constructed the road

Non-mandatory Criteria (at least 6 must be satisfied)

- The road provides primary access to at least one full time occupied residence
- The construction of the road provides clear benefit to more than one property owner
- The road provides access to public open space, community facilities, sporting facilities or car parking areas
- The road is named and signed
- The road has previously been regularly maintained by Council
- The road contains assets owned and maintained by public service authorities (eg. gas, electricity, telecommunications, sewerage or water)
- The road connects into and forms part of the wider network of public roads
- The road is fenced on both sides
- The road has a minimum estimated average daily traffic count of 40 vehicles per day

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Where a section of road does meet the above and is determined as reasonably required for public use, it does not automatically imply that Council will include the road in the Register of Public Roads and assume management and maintenance responsibility in every scenario. The set of criteria has however, been developed in order to reasonably consider the financial impacts on Council, management and maintenance implications, as well as a wider community benefit.

Where a section of road meets the above criteria and it is determined that it should be included on Council's Register of Public Roads, it will be assigned a hierarchy and managed and maintained in accordance with Council's Road Management Plan.

Under the Road Management Plan, the General Manager Community Assets & Infrastructure is delegated the authority to approve amendments to the register to ensure its ongoing currency.

7. Related Legislation

- Land Act 1958
- Forests Act 1958
- National Parks Act 1975
- Crown Land (Reserves) Act 1978
- Subdivisions Act 1988
- Local Government Act 2020
- Road Management Act 2004

8. Council Plan Reference

Objectives: Providing good governance and leadership
Context: Our assets and infrastructure

9. Review

This policy will be reviewed in 2024-25, unless required sooner as a result of changes to related policies, procedures or legislation.