1.0 Policy Statement

The Local Government Act 2009 requires council to prepare and maintain register of all roads including private roads within its Local Government Area.

This policy has following objectives:

- Defining the requirements and responsibilities prescribed by legislation; and
- Defining the council maintained road network, maintained in accordance with Councils Road Hierarchy and Service levels
- Defining all other roads, tracks or accesses within gazetted road corridors.

2.0 Scope

This Policy applies to all roads under the jurisdiction of the Hinchinbrook Shire Council.

The gazetted road network far exceeds the length of roads that Council undertakes to maintain and upkeep for public use, as the limited amount of funding available to Council means that it is not possible, nor feasible to construct and maintain roads in all gazetted reserves.

Local Governments are required to keep an up to date register and map of roads in their areas (Section 74, Local Government Act 2009). The register and map are to be open to public inspection.

3.0 Responsibilities

Councillors are responsible for adopting the defined road network, including the maintained road network

The Chief Executive Officer has overall responsibility for the implementation and execution of the policy.

The Executive Manager Infrastructure Services Delivery has responsibility for the ongoing management of the network extents, including maintenance extents.

4.0 Definitions

To assist in interpretation, the following definitions apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access road</td>
<td>A road constructed within a road area that is not listed as maintained on councils road register. Is also a road that provides properties access to a higher order road.</td>
</tr>
<tr>
<td>Authorised Person</td>
<td>The Chief Executive Officer of the Council or a person delegated by the Chief Executive Officer as being authorised.</td>
</tr>
<tr>
<td>Formed</td>
<td>For a road, means a road, other than a gravelled pavement or sealed pavement road, formed so that stormwater drains from the road</td>
</tr>
<tr>
<td>Gazetted road</td>
<td>A road that has been named and published as a public road in the state Government Gazette.</td>
</tr>
<tr>
<td>Gravelled Pavement</td>
<td>For a road, means a road surfaced with gravel, limestone or rubble and constructed by the use of a mechanical compaction process.</td>
</tr>
<tr>
<td>Maintained Road</td>
<td>A road, which is listed as maintained on council's road register.</td>
</tr>
</tbody>
</table>
**Private road**
A road constructed outside a road area

**Road**
Means (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, ford, tunnel or viaduct.

**Roadworks Permit**
An approval issued under Hinchinbrook Shire Council Subordinate Local Law No. 1 (Administration) 2011, Schedule 7—Alteration or improvement to local government controlled areas and roads. Council does not condone or accept any responsibility for any work carried out within a road area without its written approval.

**Sealed Pavement**
For a road, means a road with a surface of asphalt, bitumen, concrete or pavers.

**Unformed**
For a road, means a road or track that:
(a) Is not a formed, gravelled pavement or sealed pavement road; but
(b) Is open to, and used by, the public

### 5.0 Policy Statement

Hinchinbrook Shire 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 to accurately define Council's maintained roads and all other unmaintained formed and unformed roads within the gazetted road reserve.

5.1 Council’s Road Register (“the Register”) sets out the extent of Council’s maintenance responsibility by defining all maintained roads and lengths within the shire.

5.2 The Register sets out a list of Council unmaintained formed and unformed roads as required under the Local Government Act.

5.3 The Register does not contain a list of private roads as stated in Section 74 (1)(a) of the Local Government Act due to the sheer size and complexity of this task. Undertaking such task is outside of the capabilities of the department due to limited resources, but is to be considered in future policy reviews.

5.4 The Register is intended to be used by all internal and external operational staff to ensure works are done within the limits set out in the Register.

5.5 Council funds designated for road infrastructure shall only be expended on roads and sections of roads included in the Maintained Register. Council is obligated to act on an unmaintained formed road, should these roads become unsafe. This will be demonstrated by acting on reported hazards and undertaking an inspection to determine a course of action which may include:

a) Warning signage, barricading of hazard until resources allow further works to be undertaken.
b) Closing the road if there is alternative access for the properties.

The timeframe and course of action that is undertaken is subject to Council’s limited funding and staff resources.

5.6 Roads can only be added to or removed from the register upon a Council resolution, this includes any changes to the roads maintained length. In determining a revision to its register, Council may have regard to the following:

- the extent of public use of the road proposed to be added/removed;
- the public benefit that would result from the addition/removal of the proposed road; and
- via addition of a road to the register, the cost of upgrading the gazetted road to a standard suited to general public use and ongoing maintenance.
5.7 The Register shall be maintained and updated by the Infrastructure and Assets Department. The Register is a working document and the Infrastructure and Assets Department shall update the Register from time to time, generally following a Council resolution to add or remove maintenance responsibility from a particular part of the road network.

5.8 All major amendments to the Register shall be referenced to a supporting Council resolution. A major amendment is considered to be the following:
- Changes to road maintenance lengths.
- Removal or addition of a road.
- Official spelling of a maintained road.

5.9 All minor amendments can be made without the need for a Council Resolution, provided the amendments are tracked in the Road Register addendum table. Minor amendments is considered to be the following:
- Minor grammatical changes to the register (but not including official spelling of maintained roads).
- Correct of minor errors, e.g. incorrect reference for road starting point.

5.10 The Infrastructure and Assets Department shall provide details of any amendments to various working copies of the register held throughout the organisation.

5.11 This policy will be reviewed when any of the following occur:
- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.
Notwithstanding the above, this policy is to be reviewed at intervals of no more than two years.

6.0 Legal Parameters
The Hinchinbrook Road Register Policy should be read in conjunction with the following:
- Hinchinbrook Shire Council Road Register (inclusive of tables and maps)
- Local Government Act 2009
- Local Government Regulation 2012
- Transport Operations (Road Use Management) Act 1995

7.0 Associated Documents
Road Register

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<tr>
<th>Action</th>
<th>Name</th>
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<td>Approved by Council</td>
<td>D McKinlay</td>
<td>CEO</td>
<td></td>
<td>27/02/2018</td>
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<td>Current Version Adopted</td>
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