Construction of Unmade Road Reserve Policy

Strategic Reference	Outcome 2 – Infrastructure Strategy 1.2 – Maintain our unsealed road network in line with emerging and changing needs.
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Applicable Legislation	Local Government Act 1999
Related Policies	N/A
Related Documents	N/A

1. Preamble

The Coorong District Council covers 8,832 square kilometres and manages a public road network that is approximately 1900 kilometres in length. Across our vast region that comprises significant portions of private agricultural land, national parks and wetlands, there is land set aside for the provision of roads. This land is referred to as a "Road Reserve".

A road reserve is defined as land invested in the Council that is set aside for the purposes of a public road, irrespective of whether or not it is being used as a public road. An unmade road reserve is defined as an unformed or unmade road, to which no improvements or alterations have been made and which is under the care and control of Council.

The purpose of this policy is to address occurrences where there is a need (or request) to construct a public road on a section of unmade road reserve where the constructed road will become a part of the public road network. This policy is not for the purpose of addressing the liability, tenure or land management of unmade road reserves located with a fenced private property and where there is no public road constructed.

2. Policy Statement

To provide clear guidelines and criteria regarding requests for the expansion of Council's public road network in relation to the construction of unmade road reserves.

This policy specifically relates to the construction of new public roads with the intent that they will be open to the general community and become an asset of Council which will be responsible for all maintenance and renewal obligations.

3. Policy Objectives

This policy provides Council with principles and guidelines for expansion of Council's Public Road Network in regard construction of public roads on unmade road reserves.

The policy will assist Council in determining the extent to which it will be involved in the survey, design and capital investment required for the provision of new public roads.

The policy is particularly relevant where:

1. Land parcels have boundaries realigned,
2. Land parcels are sold off, creating "land locked" holdings,
3. The subject land does not have access to a constructed public road,
4. Or any other private (non-Council) activity that triggers the need to construct a public road.

This policy does not apply to vehicular access (driveways) from a constructed road and or kerb to a property boundary, nor does it apply to farm tracks, positioned on road reserve located within a fenced rural holding, which are intended for private use only.

4. Definitions

"Defects Period" means a fixed period of time, starting from the date of practical completion (open for public use), during which the contractor (landholder or representative) has an express contractual right to return to the site to rectify defects.

"Landholder" or ***"Landowner"*** means any individual, corporation or unit trust scheme that has an entitlement, either directly or undirectly, to land that directly adjoins, or is otherwise affected by, a road reserve.

"Public Road" means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority (Council). For the purpose of this policy, these roads are considered constructed and held by Council as a financial asset.

"Road Reserve" *(1)* An area of land gazetted for public use as a road, not including State controlled roads. In some cases, these areas may be graded periodically as fire access tracks, or for other purposes. *(2)* A road reserve is defined as land invested in the Council that is set aside for the purposes of a public road, irrespective of whether or not it is being used as a public road, and included unmade road reserves

Unmade Road – *(1)* A road reserve that has had no capital improvements including clearing. Notwithstanding, an unmade road may be trafficable or un-trafficable in all weathers. *(2)* An unmade road reserve is defined as an unformed or unmade road, to which no improvements or alterations have been made and which is under the care and control of Council.

5. Policy Principles

5.1 There is no obligation upon Council to undertake capital improvement and/or perform maintenance works to unmade roads within a road reserve for the purpose of access to a private property.

5.2 Council will ensure appropriate land management practices occur on unmade road reserves, by regulating the types of activities that occur, given the environmental and biodiversity value of the land.

5.3 Council will engage with the landowner (or representative), to identify and discuss alternative options and construction methodologies available to assist in rectifying property access.

5.4 Council will provide the landowner (or representative) any land or engineering survey data and/or information held within Council's records that is relevant to the unmade road reserve and the prosed construction of a public road.

5.5 Any survey work or other related investigations required to construct a public road asset that meets Council minimum standards shall be undertaken at the landowner's expense.

5.6 Council is not obliged to contribute financially towards the design and construction of any public road unless it has specifically indicated its willingness and extent to do so by resolution of Council.

5.7 Where the construction of a new public road is necessary, the design and construction specification shall be submitted to Council for approval prior to any commencement of construction. No physical preparation work (e.g. earthworks, vegetation clearance, fencing) or construction work shall take place before written approval (in accordance with Section 221 of the Local Government Act 1999) is issued by Council for the construction of the road. In addition, a bond equivalent to 5% of the capital cost for construction of the road will be forwarded to Council in accordance with Clause 5.10

5.8 The landowner shall obtain and provide evidence of all necessary statutory approvals including but not limited to, Council permits, environmental authorisation and native vegetation clearance, prior to any works commencing.

5.9 Once a public road has been constructed to the satisfaction of Council, a 12 month defect period will apply whereby the landholder will be responsible for any rectification works deemed necessary by Council, at the landholders cost and to a standard Council deems the road suitable for public use.

5.10 Council will hold, for duration of the 12 months defect period, 5% of the capital construction cost, as security to cover any defects not rectified by the landholder during the 12 month defect period. Security will be returned to the landholder upon successful completion of all defects and when practical completion is issued by Council.

5.11 At the completion of the 12 month defects period, Council will assume responsibility for all normal operational maintenance and capital renewal activities. At this time the newly constructed public road will be deemed a financial asset of the Coorong District Council.

6. Availability/Accessibility

This Policy is available for inspection at Council's offices during normal business hours & Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au)

7. Document History

This Policy shall be reviewed at least every five (5) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	19 July 2022	162/22	New policy
2	16 December 2025	377/25	Definitions alphabetically re-ordered Landholder/landowner definition refined