
AMENITY OF RESIDENTIAL PROPERTIES IN CLOSE PROXIMITY TO UNSEALED ROADS POLICY

APPROVALS

POLICY NUMBER	EI-POL-117	DOC.ID	4717070
CATEGORY	Community		
POLICY OWNER	Manager Infrastructure Planning and Technical Services		
APPROVAL DATE	26 June 2024	RESOLUTION NUMBER	8779

OBJECTIVE

This policy provides Council and its administration with guidance on carrying out works on Council-maintained unsealed roads, to minimise public concerns related to dust nuisance. The policy also permits Council to accept monetary contributions from residents to allow self-funding of dust mitigation of unsealed gravel roads, subject to the conditions outlined within this policy.

This Policy does not apply to a road opening or upgrade that is subject to a development application and is only limited to requests that relate to specific benefits for the applicant.

SCOPE

This policy applies to all unsealed roads owned or controlled by Council. Council has responsibility for approximately 2,200 kilometres of unsealed roads and therefore an assessment criteria / process is essential to determine whether a seal treatment or other mitigation measures can be applied. Despite such criteria, it must still be acknowledged that dust mitigation measures applied will be in accordance with available funding.

This policy does not relate to the sealing of driveways.

DEFINITIONS

TERM / ACRONYM	MEANING
CEO	refers to Chief Executive Officer.
Council	refers to Isaac Regional Council.
Dust Mitigation Measures	means the sealing of an unsealed road as agreed by Council and the landholder.
The Act	shall mean the <i>Local Government Act 2009</i> (as amended).
The Regulation	shall mean the <i>Local Government Regulation 2012</i> (as amended).

POLICY STATEMENT

Isaac Regional Council recognises that landholders on unsealed roads may request dust mitigation measures be applied to the section of unsealed roadway within the immediate vicinity of their houses to reduce dust blowing onto their property.

Council is committed to ensuring a fair and transparent process is applied when considering requests for dust mitigation works on unsealed Council roads.

All requests for mitigation of dust impacts will be assessed in accordance with this Policy.

GUIDING PRINCIPLES

The decision to approve dust mitigation works on an unsealed gravel road will be made by Council based on the following factors:

- Residential property only:
 - Where the dust suppression works are for the sole benefit of the applicant, and the project is not included in Council's long-term capital works program, the applicant is required to fund the full cost of the works.
- Residential and Community/Council Properties:
 - Where the dust suppression works are for the benefit of an applicant, and the surrounding/immediate community and the project is not included in Council's long-term capital works program, Council will consider proportional contribution to the works for the benefit of the community.

Minimum Sealing Parameters

- The minimum dimensions for sealing works that will be considered for construction are:
- A paved and bitumen seal to be constructed in accordance with Council's current road design standards in front of the property funded by the applicant (noting where public infrastructure is also affected, it is proposed that Council may contribute as described in the policy).
 - For properties not closer than 150 metres from the road - 300 metres length by 8 metres wide, which includes 100 metres past each end and 100 metres in front of the homestead, or
 - For properties closer than 150 metres from the road - 500 metres length by 8 metres wide, which includes 200 metres past each end and 100 metres in front of the homestead.

ROLES, RESPONSIBILITIES, ACCOUNTABILITIES AND CONSEQUENCES RELATED TO DELIVERY OF THE POLICY

- Dust mitigation works will include all costs associated with design and construction in accordance with Council's current road design and construction standards.
- All applications for sealing works will be subject to Council approval. Construction of the works will only be carried out by Council-approved contractors.
- Council may assist with construction, based on availability of resources and on agreement of full cost recovery. If Council constructs the seal works, a cost estimate will be calculated using all appropriate overhead costs (i.e. on-costs) however, Council will not seek a profit from the delivery of the dust suppression seal.
- Payment for cost of the works by Council will be made prior to commencement of works and will be based on the cost estimate provided and agreed to by all parties. Final costs shall be reconciled on completion of the works. Either party, as necessary, will adjust payment within 30 days of notification of final costs.

- Prior to Council undertaking the work, it will be necessary for the landholder to sign and execute an agreement prepared by Council, confirming the conditions and obligations of this policy.
- All future maintenance work will be at Council's expense, except where damage can be attributed to the property owner/applicant.

PROCEDURE

1. An applicant/landholder submits a request to remedy a dust nuisance/amenity issue and/or Council identifies a dust nuisance/amenity issue.
2. A Council officer, in consultation with the affected landholder, undertakes an investigation to identify possible causes of the amenity issue.
3. Council in conjunction with the landholder work through solutions to address the amenity issue, which may include, but is not limited to:

SOLUTION	FUNDED BY
Installation of additional signage (Signage and/or traffic calming and/or other low-cost solutions).	Funded by Council as budget permits. <i>Applicant has an option to fund should they wish for resolution sooner than Council's budget allows.</i>
Installation of traffic calming devices (speed humps) or other low-cost solutions.	Funded by Council as budget permits. <i>Applicant has option to fund should they wish for resolution sooner than Council's budget allows.</i>
Dust suppression / sealing.	Managed as per the guiding principles.
Realignment of road (where required due to proximity of road and where it is determined that none of the above will deliver a favourable outcome).	Managed as per the guiding principles.

4. Council to confirm/negotiate funding and finalise relevant agreement.

LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2002*
- *Local Government Regulation 2012*
- *Land Act 1994*
- *Environmental Protection Act 1994*
- *Sustainable Planning Act 2009*
- [ARRB Unsealed Roads Manual – Best Practice Guide](#)
- [AUSTROADS – Guide to Road Design](#)