

# COUNCIL POLICY

<b>Works Within Road Reserves and Road Reinstatement</b>	Document No:	CPL250.4
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Responsible Officer: <b>General Manager City Services</b>		
		02
Authorising Officer:	<b>Chief Executive Officer</b>	

## 1. PURPOSE

To provide direction for the implementation of Council's statutory responsibilities and infrastructure asset protection obligations with regard to works within road reserves and road reinstatements.

To ensure:

- All parties (other than defined service authorities) wishing to undertake road openings make application for Council permission via the appropriate permit and comply with all permit conditions.
- Council is appropriately indemnified against potential actions arising from road opening and reinstatement works undertaken by other parties.
- Council is adequately notified of all road opening proposals by service authorities, tradesmen and other persons.
- Road opening worksites are safe, protecting both the safety of road users and the amenity of the municipality.
- Road openings and reinstatements are conducted in a timely manner thus minimising road user inconvenience.
- All road reinstatements are inspected by Council officers and completed to standards in accordance with Council's 'Road Opening and Reinstatement Standards and Requirements' guidelines.

To facilitate:

- The capacity for service authorities, tradesmen and other persons to efficiently open and occupy roads and reinstate road openings in the course of their normal business.
- Adequate reimbursement of costs incurred by Council through the need for Council inspection, supervision or works as a result of road openings and reinstatements undertaken by other parties.
- Council's capacity to serve 'Compliance Notification' on any parties which do not comply with consent for works in road reserves and reinstatement permit conditions.

## 2. SCOPE

This policy deals with the requirements and standards in relation to road openings and road reinstatements. The policy will apply to parties proposing to undertake road opening works including 'service authorities' (as defined). It prescribes the

conditions under which Council will grant permits and/or permission for parties to undertake road openings and the standards for road reinstatement works.

### 3. REFERENCES

- Local Government Act 1989.
- Greater Geelong City Council, General Local Law 2005
- Asset Accounting Management Policy MPL505.4.1.
- Road Safety Act 1986 and Subordinate Regulations.
- City of Greater Geelong 'Road Opening and Reinstatement Standards and Requirements,' September 1996 (Amended September 2003).
- Road Management Act 2004
- Road Management Plan

### 4. DEFINITIONS

- 'Applicant' means the person who applies for a road opening permit.
- 'Authorised Council Officer' means a member of Council staff who is empowered to undertake road opening/reinstatement inspections.
- 'Council Inspection' means the viewing of a road opening or road reinstatement by an authorised Council Officer.
- 'Private Openings' means road openings undertaken by private persons or entities as distinct from 'Service Authorities'.
- 'Road' means as prescribed in the Local Government Act 1989:  
    "road" includes—
  - (a) a street; and
  - (b) a right of way; and
  - (c) any land reserved or proclaimed as a street or road under the **Crown Land (Reserves) Act 1978** or the **Land Act 1958**; and
  - (d) a passage; and
  - (e) a cul de sac; and
  - (f) a by-pass; and
  - (g) a bridge or ford; and
  - (h) a footpath, bicycle path or nature strip; and
  - (i) any culvert or kerbing or other land or works forming part of the road.
- 'Road Opener' means the party undertaking a road opening including any authorised subcontractor under whose direction the party undertaking the road opening is operating.
- 'Road Opening' means any hole or excavation in or near a road which is undertaken by a party other than Council for the purpose of water tapings, stormwater, water main or sewer main connection or any other purpose whatsoever.
- Consent for works within Road Reserves Permit means a two way legal document providing permission from Council for the undertaking of a road

opening by another party, and specifying the conditions (if any) to which that other party must comply.

- 'Road Reinstatement' means the repair of the road opening, reinstating the condition of the road to the standard required by Council.
- 'Service Authority' means any company or public body responsible for the installation of public services, *eg*, telecommunications, gas, electricity, water or sewerage.
- 'Sub-Contractor' means a person or entity contracted by a service authority or other person for the purpose of undertaking road opening or road reinstatement works.
- 'Traffic Management Plan' means a plan indicating the traffic diversion or redirection method to be used whilst the road opening poses a traffic hazard.
- 'User Charge' means the funding mechanism through which Council is reimbursed for the cost of undertaking, supervising and administering road reinstatement works, *eg*, on a full cost reflective basis.

## **5. COUNCIL POLICY**

### **5.1. Introduction**

- Council has responsibility for maintaining Council roads within the municipal district to appropriate standards of condition, and for ensuring that the condition of these roads provides for a reasonable level of safety for all road users at all times.
- Council acknowledges that service authorities and private persons and other entities may from time to time need to open roads under Council's control for the provision, accessing and/or repair of various public services, *eg*, telecommunications, gas, electricity, water, sewerage.
- When roads are proposed to be opened or subterraneously excavated by service authorities or other parties Council needs to be appropriately notified of such proposals. Council will require applicants to give notification and where necessary seek approval through the completion of a Consent for Works in Road Reserves Permit application form. Additionally, when road openings are undertaken the Road Opener and Council are required to ensure that public safety is maintained. When road openings are reinstated Council needs to inspect the reinstatement works to ensure that the road has been returned to a condition consistent with Council's required reinstatement standards.
- Council may undertake road opening reinstatement works itself for which it may recover all or any part of the cost of the works from the Road Opener. Additionally, Council may seek reimbursement of costs associated with road opening/reinstatement inspection, supervision and administrative costs.
- This management policy sets out the steps to be followed to ensure that Council is notified of all proposed road openings; that Council approves road openings where required; that public safety is ensured at all times; that road openings are reinstated to acceptable standards; and that Council is reimbursed for any associated works or inspection, supervision or administrative costs.

- This policy is cognisant of the relevant legal requirements as prescribed by Greater Geelong City Council, General Local Law 2005, and of the relevant provision of the *Road Safety (Traffic) Regulations* 1988.

## **5.2. It is the policy of Council that:**

- Council must be notified of all proposals for road openings whether to be undertaken by service authorities, other persons or entities or their sub-contractors (principle 1).
- All road openings will be reinstated to a standard commensurate with Council's asset maintenance standards (principle 2).
- Council acknowledges that service authorities operate under specific Federal and State legislation and that Council cannot enforce the provisions of its General Local Law 2005 in relation to service authorities requiring permits for road openings.
- Council will require all service authorities (except in emergency circumstance) to provide written notice of any intention to undertake a road opening, such notification to be given at least fifteen working days prior to road opening works.
- Temporary reinstatements to be referred to 'Works Within Road Reserve' Manual. 'Road Opening and Reinstatements Standards and Requirement' guidelines.
- Council acknowledges that service authorities will take all reasonable steps to carry out road openings and road reinstatements with as little detriment and inconvenience to the community as is possible and in a manner which protects public safety at all times.
- Council will require all service authorities to reinstate the road opening within ten working days of undertaking the road opening to a condition satisfactory to Council, in accordance with 'Road Opening and Reinstatement Standards and Requirements' guidelines.
- After inspection by a Council officer, where Council is not satisfied with the condition of a road opening reinstatement undertaken by a service authority, it may request the service authority to undertake further restitution works to achieve a required reinstatement standard. Where further restitution works are still unsatisfactory Council will undertake the reinstatement works itself and seek full recompense on a user pay basis.
- In determining whether to grant a permit the Council will have regard to:
  - the nature and duration of the works;
  - the likely hazard that the works may constitute to users of the road;
  - the likely impact on environmentally sensitive zones;
  - the impact of the works on the amenity of the adjoining area;
  - whether other works are scheduled for the location;
  - whether an appropriate Traffic Management Plan has been developed;
  - whether an appropriate indemnity has been provided to Council; and

- any other matter relevant to the circumstances of the application.
- All applicants for private road openings including sub contractors must notify Council of the road opening proposal via a permit application.
- Council will maintain an accurate data base of all Consent for Works within Road Reserves permit applicants and of Consent for Works within Road Reserves permits issued.
- Council will require all private Consent for Works within Road Reserves permit holders to carry out road openings in strict accord with all permit conditions.
- Council will require all private Consent for Works within Road Reserves permit holders to reinstate the road opening within 48 hours of undertaking the road opening to a condition satisfactory to Council.
- After inspection by a Council Officer, where Council is not satisfied with the condition of a road opening reinstatement undertaken by a private Consent to Work within Road Reserve permit holder, it will service a 'Notice to Comply' demanding adherence to the permit conditions.
- Where the response to a 'Notice to Comply' is still unsatisfactory Council will undertake the reinstatement works itself and recover the full cost of these works from the permit holder.
- The intent of the above policies be applied to specific cases that do not conform to typical situations.

## 6. QUALITY RECORDS

**Quality Records shall be retained for at least the period shown below.**

<b>Record</b>	<b>Retention/Disposal Responsibility</b>	<b>Retention Period</b>	<b>Location</b>
Road Opening Permit	Corporate Records	2 years	Corporate Records
Notice to Comply	Corporate Records	2 years	Corporate Records
Reinstatement Tracking Spreadsheet	Engineering Manager	Permanent	Engineering

## 7. ATTACHMENTS

- Nil