

Policy title	Road and Pathway Opening
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Divisional Manager, Works
Directorate	Infrastructure Services
Approval date	11 October 2022
Outcome area	4 Our connected community through reliable and safe infrastructure networks
Strategy	4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
Delivery Program	4.1.5 Promote active and inclusive transport through the provision and enhancement of the pathway network, as guided by the Pathway Strategy and asset management plan
Operational Plan	4.1.5.1 Maintain the pathway network 4.1.5.2 Build and renew the pathway network

Purpose

This Policy provides a standard procedure for the management of any works and activities undertaken under the *Roads Act 1993* affecting Council's road reserves. These works or activities must provide construction to suitable standards, minimise Council's risk exposure and limit damage to Council's assets, including minimising the risk of reducing the life of those assets.

This Policy is designed to specifically address the process of controlling works and activities on Council road reserves and to provide a system for ensuring that Council's and the community's interests are protected as far as possible.

Policy aims

- Promote an integrated framework for dealing with works and activities affecting the road reserve;
- Ensure consistency and fairness in the manner in which Council deals with works and activities affecting the road reserve;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Roads Act 1993* with respect to works and activities affecting the road reserve; and
- Make Council's policies and requirements for works and activities affecting the road reserve readily accessible and understandable to the public.

Policy details

1	Application Council has a responsibility to the community to ensure that it provides and maintains roads and pathways to an appropriate standard within the limits of the available budget. Council also has a responsibility to ensure that when third parties wish to carry out works or activities, these works or activities do not detract from the condition of Council's assets, reduce the life of the asset or create additional risks for Council and the community.
2	Legislation Eurobodalla Shire Council will comply with the Roads Act 1993 .

Implementation

Requirements		Responsibility
1	<p>Implementation requirement</p> <p>Works and activities to be carried out include, but are not limited to, Civil works, water, sewer, stormwater, power, telecommunications, driveway crossings, building construction and maintenance, footpath works, landscaping, tree management, road furniture, signage, road marking, work zones, hoardings and surveying.</p>	Council officers Contractors
2	<p>Implementation requirement</p> <p>Trenchless methods shall be used to lay underground services within road reserves under Council’s control unless otherwise shown to be impracticable or unreasonable as determined by Council’s delegated officer. Open trenches are only to be used as a method of installing services when other methods are clearly not feasible and only when approved by Council’s delegated officer.</p>	Council officers
3	<p>Implementation requirement</p> <p>Council shall hold a bond from persons or organisations required to undertake works, where it is considered works may damage Council’s assets, become a risk or not conform to Council’s standards.</p> <p>A bond as per Council’s adopted Fees and Charges will ensure that restoration can be undertaken if works are not carried out satisfactorily by such persons or organisations.</p>	Council officers Contractors
4	<p>Implementation requirement</p> <p>The only persons permitted to obtain a permit for works, activities or road openings are utility providers, licensed tradespeople, builders or civil contractors. Appropriate conditions of consent shall be included on the permit to protect Council’s interest, e.g. public liability insurances, traffic management plans, safety management systems, public consultation and restoration plans.</p>	Council officers Contractors
5	<p>Leasing of road reserve</p> <p>Leasing of work zones will be considered; generally only in CBD areas where it is demonstrated to the satisfaction of Council that no alternative would be available. Fees for the leasing of work zones are to be in accordance with Council’s Fees and Charges.</p>	Council officers Contractors
6	<p>Staff</p> <p>Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.</p>	Council officers
7	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this Policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service Policy or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
8	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public</p>	As applicable

submissions regarding this Policy are invited for consideration during the exhibition period.	
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Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages road and pathway openings.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered, Customer feedback, survey responses	Council records, Surveys
Internal or external audit	Audit

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993
Council's Fees and Charges	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0005/202001/Fees-And-Charges-Final-2022-23.pdf
Eurobodalla Shire Council <i>Local and Regional Roads Risk Management Policy</i>	Local and Regional Roads Risk Management Policy

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	24 Nov 2009	Council	09/369	E06.0375 E09.3418	Policy adopted
2	10 Sep 2013	Council	13/272	E06.0375 E13.7095	Reviewed and updated
3	13 Jun 2017	Council	17/181	E16.0297 E06.0375	Reviewed and updated at start of new Council term

4	11 Oct 2022	Council	22/265	S004-T00060	Reviewed and updated at start of new Council term
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Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute	22/265	Report	GMR22/099	Effective date	11 Oct 2022
File	S004-T00060	Review date	11 Oct 2022	Pages	4