

Works in Road Reservation

Policy

November 2013

POLICY

The Works in Road Reservation Policy supports the Council's vision and strategic objectives of appropriately managing assets. The Council is required to provide the community with a safer road reserve environment within the Central Coast municipal area.

The Council has a legal responsibility to maintain and keep highways open and safe, as defined in the *Local Government (Highways) Act 1982* (the Act).

To achieve this the Council recognises that all persons or contractors working in a Council maintained road reserve are to do so with knowledge and approval of the Council.

In order to regulate and ensure works in the road reserve are carried out to an appropriate standard and in a safe manner, the Council requires those working within the road reserve or affecting users of the road reserve to apply for a Works in Road Reservation Permit.

The Policy applies to all roads and road reserves in the Central Coast municipal area which are maintainable by the Central Coast Council, including road carriageways, footpaths and nature strips.

PURPOSE

The purpose of this Policy is to establish a consistent approach for those persons or contractors wishing to carry out works in the road reserve. It provides a list of the types of work requiring permits and the conditions and requirements which must be met in order for the work to proceed.

The permit is applied in accordance with s.46 of the Act.

Apart from this requirement the permit system also provides the Council with:

- . Awareness of the works being performed,
- . Potential for damage of its infrastructure,
- . Reinstatement requirements,
- . Provision of systems/methods of work,
- . Insurance coverage requirements,
- . Traffic/pedestrian management details etc.

BACKGROUND

The Act provides that:

"Permission to carry out various works in relation to highways

- (1) A corporation may grant a person written permission to do any one or more of the following things on such conditions and for such consideration as the corporation, either generally or in a particular case, determines:

- (a) open or break up the soil or pavement of a local highway;
- (b) make a drain leading to a local highway;
- (c) put or place a pipe or make a drain leading into a sewer or drain or other work of the

corporation in or under a local highway;

- (d) make an excavation, vault or cellar in or under a local highway;
- (e) install, under a local highway, pipelines, pipe systems or other infrastructure required for the transmission, distribution or supply of natural gas or other gaseous fuels;
- (f) erect a hoarding or scaffolding for building or any other purpose in or on a local highway.

(2) Subject to any directions given by the corporation, its powers under subsection (1) to grant a permission may be exercised on its behalf by its mayor or by some other person authorised by it for that purpose.

(2A) The regulations may prescribe standard conditions that are taken to apply to every permission granted under subsection (1)(e).”

The Department of Infrastructure, Energy and Resources issued the Tasmanian Traffic Control at Work Sites – Code of Practice in 2002 (the Code) which councils are required to comply with. This was updated in 2004.

The Code implied a responsibility to Local Government as the asset owner and local road authority to ensure that anyone working within the road reservation abides by the Code and Australian

Standards in respect to safety and traffic control at work sites.

In 2011 the Code was superseded by the Traffic Control for Works on Roads Tasmania Guide 2011 intended as an interim set of requirements until the introduction of national codes of practice. These codes of practice have been introduced and refer back to local road authorities for relevant traffic management requirements.

As a minimum the Australian Standard AS1742.3 Manual of Uniform Traffic Control devices, Part 3: Traffic control for work on roads must be adhered to.

PROCESS

Procedure ENG1101 Works in Road Reservation (Permit) applies to all applicants.

A Works in Road Reservation permit is required for the works listed in s.46 of the Act and includes the following works:

- driveway construction,
- works on nature strips,
- service and utility works,
- waste and shipping containers,
- under-boring of roads and paths,
- trenching and excavation,
- works affecting pedestrian traffic,
- works affecting vehicular traffic,
- kerb engraving.

All costs are to be borne by the applicant.

The permit format provides the applicant with the relevant minimum requirements for permit approval including traffic management, insurance details, contractor details, costs and other general requirements.

A permit is not required where the users of a highway or the condition of the highway are not affected. Such general uses include mowing a nature strip or cleaning a footpath.

OTHER UTILITY SERVICE AUTHORITIES

Aurora, Telstra, TasWater, TasGas, NBN and other utility providers have different requirements due to other legislation specific to their service.

Whilst permits are not required from these organisations they are still obligated to conduct their works to relevant safety and traffic management standards, in accordance with the Act.

There is also provision in the *Telecommunications Act*, *Water and Sewerage Industry Act*, and the *Gas Act* for the relevant authority to advise the Council when works are intended on public land maintained by the Council.

TasGas choose to use the Works in Road Reservation Permit system.

TasWater operate on a Memorandum of Understanding with the Council for works in road reservations.

COUNCIL ENDORSEMENT

This Policy was adopted by the Council on 18 November 2013.

REVIEW AND EVALUATION

This Policy will be reviewed every three years, unless organisational and legislative changes require more frequent modification.

REFERENCES AND STANDARDS (INCLUDING RELEVANT LEGISLATION)

Traffic Act 1925

Roads and Jetties Act 1935

Local Government (Highways) Act 1982

Road Rules 2009

Work Health and Safety Act 2012

Telecommunications Act 1997,

Electricity Supply Industry Act 1995 ???,

Water and Sewerage Industry Act 2008,

Gas Act 2000,

Gas Pipelines Act 2000.

National Broadband Network (Tasmania) Act 2010

AS1742.3 Manual of uniform Traffic Control devices, Part 3: Traffic control for work on roads

APPENDIX

Nil

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