POLICY TITLE | Works Within Road Reserve Policy
---|---
POLICY TYPE | Management
DIRECTORATE | City Works and Development

1. **Background**

Council has a responsibility under the *Road Management Act 2004* (Vic) for ensuring assets within the road reserve are maintained in a safe condition for all road users. These responsibilities are particularly relevant where excavation within the road reserve is undertaken and where damage to the road pavement or footpath is likely.

Service authorities, who manage gas, electricity, sewer, communications and water services, have a right of access to their services within the road reserve. Similarly, domestic works such as the installation of vehicle crossings, service connections and footings for a front fence are undertaken on a regular basis by private contractors. The *Works within Municipal Road Reserves* (hereafter referred to as a Works within Road Reserve) policy process is managed by Council to ensure that all of the above mentioned works are undertaken safely and in accordance with Council policies and procedures.

2. **Purpose**

The purpose of this policy and accompanying procedure manual is to provide clear guidelines on works within the road reserve and is intended for use by Council officers, utilities, private developers and residents.

This policy provides a means of ensuring works are performed in a safe manner and completed to the standard as outlined in the Council *Road Management Plan* (RMP), the *Road Management Act 2004* (Vic) and *Road Management (Works and Infrastructure) Regulations 2015* (Vic).

3. **Scope**

This policy covers private works within the road reserve performed by a property owner or their contractor.

This policy covers non-emergency works by a service authority to access their respective assets located within the road reserve.

Where emergency works are required, this can extend to undertaking major excavations and closing down a street(s) for a period of time. These works do not require the consent of Council however reinstatement must be undertaken to a standard outlined in the Council Road Management Plan.

This policy does not cover works relating to telecommunications services. These services and managing authorities have a separate set of regulations provided for under the *Telecommunications Act 1997* (Cth).
This policy does not cover works which are exempt under the *Road Management (Works and Infrastructure) Regulations 2015* (Vic).

This policy does not cover permits issued by VicRoads under the *Road Management Act 2004* (Vic).

4. Definitions

**Contractor:** a private contractor responsible for undertaking connections to existing services (i.e. residential plumber).

**Road reserve:** area vested with Council as a managing authority running parallel to and being bounded by property line to property line which may include nature strips, public roads, footpaths and associated assets.

**Road Management Plan (RMP):** a management system for the road management functions of a road authority which is based on policy, operational objectives, operational standards and available resources as required under the *Road Management Act 2004* (Vic).

**Service authority:** an entity (or their agent) which provides a utility, transportation, road or fire emergency service under the authority of act of Victoria or the Commonwealth.

**Works within a Road Reserve permit:** a permit outlining the conditions under which Council allows the holder to undertake works within the road reserve as is consistent with the *Road Management Act 2004* (Vic).

5. Responsibility

**Building, Health & Property Services**

- assess Works with Road Reserve application and record on Council database
- ensure all contractors have the correct minimum public liability cover
- ensure existing permit conditions relating to vehicle crossing construction, connection to Legal Point of Discharge are reflected on the issued permit
- ensure contractors are provided with the correct technical drawing/s for the job they are doing and all technical standards are covered in the permit
- ensure proposed works are consistent with Council requirements as set out in its standard drawings and policies
- undertake inspections regarding storm water connections and vehicle crossings to ensure permit conditions are fulfilled including ensuring that adequate reinstatement of damaged infrastructure is undertaken
- provide advice in response to detailed enquiries relating to works within the road reserve

**Governance and Risk**

- where works has occurred without a permit Local Laws to issue a Notice to Comply under the *General Purposes Local Law 2008 – Part 17* and *Road Management Act 2004* (Vic).
6. Legislation
This policy has been developed with consideration to the following legislation:

- *Emergency Management Act 2013 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Road Management Act 2004 (Vic)*
- *Road Management (Works and Infrastructure) Regulations 2015 (Vic)*
- *Road Safety Act 1986 (Vic)*
- *Road Safety (Traffic Management) Regulations 2009 (Vic)*
- *Telecommunications Act 1997 (Cth)*

7. Policy
It is Council policy to fulfil its responsibilities as a road authority under the *Road Management Act 2004 (Vic)* and provide approval for works within the local road reserve where requirements under the Act have been satisfied. It is Council policy to support these works where: formal notice has been provided to Council; works follow Council’s code of practices; and, works are performed in a safe and timely manner.

8. Consultation
In developing this policy the following departments were consulted:

- Building, Health and Property Services Department
- City Planning Department
- Governance and Risk Department
- Infrastructure Services Department
- Operations Delivery Department
- Statutory Planning Department
- Technical Services Department

9. Related Documents

- Department of Planning and Community Development (DPCD), 2011, *Better Practice Building Site Management Project*
- Moonee Valley City Council, 2015, *Asset Protection Policy*
- Moonee Valley City Council, 2015, *Drainage Investigations Policy*
- Moonee Valley City Council, 2008, *General Purposes Local Law*
- Moonee Valley City Council, 2007, *Guidelines and good practice for Public Safety and Amenity at Construction Sites*
- Moonee Valley City Council, 2015, *Legal Point of Discharge Policy*
- Moonee Valley City Council, 2014, *Road Management Plan*
- Moonee Valley City Council, 2015, *Road Occupancy Policy*
- Moonee Valley City Council, 2010, *Road Safety Plan*
- Moonee Valley City Council, 2015, *Significant Trees Register*
• Moonee Valley City Council, 2012, *Street Tree Planting Strategy*
• Moonee Valley City Council, 2013, *Urban Design Manual*
• Moonee Valley City Council, 2015, *Vehicle Crossings Policy*
• VicRoads, 2009, *A Guide to Working within the Road Reserve*

For further information including the Asset Protection application refer to following Council website:
Procedure Manual

Introduction
Private works within the Council road reserve must first have consent from Council and a Notice of Completion provided once completed. To gain consent from Council a Works within Road Reserve application must be provided for assessment of the proposed works with a response provided within 10 working days. If approved Council will issue a permit outlining all conditions.

Broadly, works within the Council road reserve will generally fall under one of three conditions:

- Works within the road reserve requiring a permit (incl. all private works)
- Emergency Works by a Service Authority
- Minor Works by a Service Authority

Where works by a service authority are exempt from Works within Road Reserve permit the service authority is still required to:

a) abide by the Council Codes of Practice\(^1\)

and

b) give notice by the 14th day of the month following the completion of the works\(^2\)

A summary of each of the three conditions is provided in the following sections along with a summary of minimum standard reinstatement requirements.

Note: Arterial roads and freeways are managed by VicRoads and the CityLink tollway managed by the CityLink authority. Consent to work within these reserves is not covered under this policy.

\(^1\) Div.1 Part 4 Sect.25 Road Management Act 2004 (Vic)
\(^2\) Part 2 Sect.14 Road Management (Works and Infrastructure) Regulation 2015 (Vic)
Figure 1: Decision process on when a Consent for Works is required (VicRoads)
1. Works within the road reserve requiring a permit

The following checklist applies to all works with the road reserve by a non-service authority, and, works by a service authority that are not emergency works or minor works.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the contractor have a legitimate need to undertake works?</td>
<td>Proposals must be consistent with the <em>Road Management Act 2004</em> (Vic), and an approved use of the road reserve</td>
<td>Permit issued or declined</td>
</tr>
<tr>
<td>Does the applicant have existing consent from Council to undertake works?</td>
<td>Ensure Vehicle Crossing, Legal Point of Discharge permits requirements have been fulfilled</td>
<td>Ensure conditions are reflected on the permit</td>
</tr>
<tr>
<td>Does the proposal minimise excavation areas within the road reserve?</td>
<td>Unnecessary excavation or damage of the roadway is to be avoided. Boring to services to be preferred method</td>
<td>Any unavoidable damage (removal of signs, street trees etc.) must be agreed to prior to issue of permit. These special conditions must be agreed to and specified on permit. This is to be costed by Council Officers and a Council invoice to be raised. Reasons for using trenching (opposed to boring) must be clarified by contractor.</td>
</tr>
<tr>
<td>Are the works proposed in a way to minimise disruption to surrounding properties? Does the proposal appropriately consider disruptions to pedestrians, neighbours and/or other road users?</td>
<td>Unnecessary disruption to surrounding properties and road reserves is to be avoided. A Traffic Management Plan might be required A Council Technical Officers will deem what is un/necessary disruption according to the <em>Road Management Act 2004</em> (Vic)</td>
<td>If disruption cannot be avoided, a Traffic Management Plan will be enforced Written advice will be sent to surrounding residents by contractor Appropriate construction methods endorsed</td>
</tr>
<tr>
<td>Does the contractor have suitable traffic management in place?</td>
<td>Has proposal been accepted by relevant authorities and does it meet relevant standards?</td>
<td>Consent from relevant authorities and Traffic Management Plan approved</td>
</tr>
<tr>
<td>Contractor to submit completed and paid application</td>
<td>All details to be correct and current, public liability provided, payment received</td>
<td>Permit issued with conditions and standard drawings</td>
</tr>
<tr>
<td>Arrangements for reinstatement work or other damage to Council assets</td>
<td>List condition on permits relevant to the works being undertaken</td>
<td>General reinstatement conditions to be provided for works. Any specialist reinstatements required to be specified by the contractor prior to issuing a permit</td>
</tr>
<tr>
<td>Necessary inspections for drainage or other connections undertaken</td>
<td>Location of services and infrastructure to be listed on application</td>
<td>Appropriate measures in place to ensure no damage to existing services and proposal is suitable</td>
</tr>
<tr>
<td>Pre-pour inspections for reinstatement works to be completed</td>
<td>Applicant referred to appropriate Council Officer to make appointment time</td>
<td>Installed as per Council standards</td>
</tr>
<tr>
<td>Issue</td>
<td>Response</td>
<td>Outcome</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>All technical standards to be included in permit</td>
<td></td>
<td>Details of protection, potential Council supervision and conditions listed on permit</td>
</tr>
<tr>
<td>Is the contractor proposing to impact on any protected Council assets?</td>
<td>Special signs and bollards, pattern paving, art installations, significant vegetation must be appropriately protected by the applicant. These conditions will be identified by a Council Technical Officer</td>
<td></td>
</tr>
</tbody>
</table>

2. Emergency works by a service authority

As outlined in the *Road Management Act 2004* (Vic), where a service authority conducts works in an emergency consent from Council is not required. However, where emergency works are conducted the service authority must still fulfil the following requirements:

- abide by the Council Codes of Practice
  
- give notice by the 14th day of the month following the completion of the works

The following checklist applies to all emergency works within the road reserve by a service authority as exempt under the *Road Management Act 2004* or *Road Management (Work and Infrastructure) Regulation 2015*.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are reinstatement inspections necessary?</td>
<td>Service Authority must provide adequate details of the quality of work</td>
<td>Permit will be issued with all standards for reinstatement. For complex reinstatements, a Council Officer will need to inspect prior to final reinstatement</td>
</tr>
<tr>
<td>Construction Management Plan to be provided where works will take an extended period of time.</td>
<td>To reduce the impact on surrounding residents, applications for the renewal of large sections of road reserve will need to provide adequate information on works programming</td>
<td>These conditions will be detailed on permit including that residents must be notified.</td>
</tr>
<tr>
<td>Traffic Management Plan</td>
<td>Traffic Management Plans are to be submitted to a Council Technical Officers for consent</td>
<td>Applicant is responsible for ensuring Traffic Management Plan is adequate. Council Officers to ensure it appropriately considers surrounding residents and businesses Traffic Management Plan conditions reflected in permit</td>
</tr>
<tr>
<td>Will public transport be affected?</td>
<td>Service authority to include all relevant permissions in application</td>
<td>These conditions will be detailed on permit</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Completion of Works to be provided</td>
<td>Service Authority to provide notice of the completion of works by the 14th day of the following month</td>
<td></td>
</tr>
</tbody>
</table>

**Minor works by a service authority**

Where a service authority conducts ‘minor works’ within the road reserve consent from Council is not required. However, where minor works are conducted the service authority must still abide by the Council Codes of Practice. The definitions of ‘minor works’ is provided under the *Road Management (Works and Infrastructure) Regulation 2015* (Vic) as follows:

Minor works are any of the following kinds of works undertaken by a utility, a provider of public transport, a responsible road authority or an agent of any of these bodies:

a) the installation, repair or maintenance of aerial cables or other overhead non-road infrastructure;

b) works undertaken so as to enable a person to be provided a service by a utility;

c) the repair or maintenance of:
   
i. street lighting; or
   
ii. bus stop infrastructure, tram stop infrastructure or other public transport related non-road infrastructure located on the roadside; or
   
iii. tram tracks, including the roadway area between and on the outside of the tram tracks for which the relevant provider of public transport is responsible;

d) the excavation of:
   
i. any part of a road other than a roadway, pathway or shoulder; or
   
ii. an area of a roadway, pathway or shoulder;

e) the use of an access hole for the purpose of accessing, repairing or maintaining infrastructure under a road;

f) the installation, repair or maintenance of traffic control devices carried out in accordance with the *Road Safety Act 1986* (Vic) or any regulations made under that Act;

g) the repair or maintenance of poles;

h) the replacement or relocation of a single pole in an urban area (unless those works are part of works to replace or relocate 2 or more consecutive poles);

i) the replacement or relocation of not more than 3 poles in an area other than an urban area (unless those works are part of works to replace or relocate more than 3 consecutive poles);

j) the pruning of a tree or other vegetation;

k) the removal of a tree or other vegetation in accordance with any Act other than the Act;
l) any other works conducted for the purpose of repairing, inspecting, operating or testing an asset or for the purpose of a survey.

If any of the works listed above also consist of, or include any of the following works, these works are not minor works—

a) service extension works;
b) the excavation of an area of a roadway, pathway or shoulder exceeding 8.5 square metres;
c) works undertaken by a utility to decommission or remove, by excavating or filling any part of a road, non-road infrastructure (other than poles, aerial cables or other overhead non-road infrastructure):
   i. that is located longitudinally within a road reserve:
      (A) over a distance exceeding 100 metres in an urban area; or
      (B) over a distance exceeding 300 metres in any other area; or
   ii. that is located under a roadway, pathway or shoulder and the works require the excavation of more than 8.5 square metres of that roadway, pathway or shoulder; or
   iii. that affects road-related infrastructure.

3. Minimum standard reinstatement conditions

In order to ensure that reinstatements are appropriately undertaken, the following minimum standards will be included as conditions on the permit. Similarly, Council officers will consider these standards when assessing the suitability of the work undertaken.

General Conditions:

- edges of all excavations must be saw cut to the full depth of the surface material
- it is the responsibility of the applicant to confirm the location of all assets within the proposed work area
- all reinstatements are to be undertaken consistent with the relevant Council standard drawings included with permit. Refer to the Council website for all standard drawings.
- boring to services is preferred where practical and provided appropriate geological conditions are present

Temporary Reinstatements:

- trenches and openings are to be backfilled with appropriately compacted crushed rock and sealed with a 50 mm layer of compacted cold mix asphalt
- no clay or soil is to be used a backfill, even where this material was removed from the trench

Trench Backfill:

- no clay or soil is to be used a backfill in trenches under all pavements and adjacent to the kerb as per Council standard drawings for backfill construction details
Concrete footpath:
- all excavations to include the full bays of footpath to be saw cut at existing expansion joints
- all reinstatements as per Council standard drawings for footpaths

Road Pavement:
- all pavement reinstatements are to be undertaken by Council in accordance with the schedule of rates for this work
- no permanent asphalt reinstatements are to be undertaken by the applicant or their contractor without the prior written consent from the Infrastructure Services Department
- all reinstatements as per Council standard drawings for road surfaces

Kerb and Channel:
- to be replaced in full section from construction joint to construction joint
- removal of kerb and channel only to be undertaken once construction joints, kerb and roadway surfaces have been saw cut to the full depth
- all reinstatements as per Council standard drawings for kerb and channel

Nature Strip:
- nature strips are to be reinstated by the contractor where necessary with 150mm minimum depth of approved topsoil and seed to the satisfaction of Council Officer

Street Trees:
- no tree roots over 100mm in diameter are to be removed
- Council arborist to be contacted where roots of this size are encountered
- no use of excavators or placement of goods and stockpiling within 2m of a street tree
- any damage to street trees must be reported immediately to Council

Figure 2: Example showing the extents of a Council road reserve.