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WORKS WITHIN ROAD RESERVES

Strategic Outcome:	Sustainable natural and built landscapes	
Policy type	Administrative	
Date of Adoption:	17 August 2022	Minute Number:
Date for Review:	19 August 2026	
Responsible Officer:	Director Infrastructure	
Document Control:	Replaces Road Opening Policy adopted 21 July 2004	
Delivery Program Link:	1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning	

1. POLICY STATEMENT

Under [Section 138 of the Roads Act 1993](#), works undertaken in, on and over Berrigan Shire Council roads – including the footpath and nature strip – require the consent of the Council.

2. PURPOSE

This policy provides advice and direction to Council staff and the public regarding works undertaken on roads controlled by Berrigan Shire Council. This is to ensure that assets within road reserves are protected and reinstated to their original state after works have been carried out in the road reserve.

3. SCOPE

This policy applies to:

- works within the road reserve, including nature strips, footpaths, kerb and gutter, roads and other paved areas for service and drainage connections, and
- vehicle crossings across kerb and gutter, nature strips and footpaths
- road closures for works to be undertaken

NOTE: Other statutory service authorities such as Telstra, NBN, gas and electricity providers are exempt under legislation to apply for road opening permits from Local Government authorities



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4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

1.3.1 Coordinate flood levee, local road, sewer and stormwater asset management and planning

5. POLICY IMPLEMENTATION

5.1 What works require a Permit?

A consent is required for all works – on, within or over a road. examples include:

- a. Excavate or break surface of a road
- b. Erect a structure over a road
- c. Removing or interfering with a structure on a road
- d. Planting or removing a tree or other vegetation
- e. Boring under a road
- f. Installing pipes, cables etc. on a road reserve
- g. Constructing a driveway crossing or a footpath
- h. Works undertaken involving the use of the footpath (i.e., cranes and scaffolding on the footpath)

5.2 Application

All works within Council road reserves, including in nature strips, footpaths, kerb and gutter, roads and other paved areas for service and drainage connections, and in nature strips for vehicle crossings require Council approval in advance.

An application must be made via the Council's online planning portal and a Council Permit obtained at least 5 working days prior to work commencing, except in emergency situations.

5.3 Applicant's responsibilities

5.3.1 Other services

Before proceeding with a road opening, the appropriate service authorities shall be consulted regarding the location of their services. Covering, interfering with or damaging their services will require reinstatement with the cost charged to the applicant.

5.3.2 Trees

For any excavation within 2 metres of a tree trunk, the permit holder shall contact the Council and comply with all precautions and requirements stipulated for protection of each tree. Work will be carried out so that minimum possible damage is caused to plant and tree growth.



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Any trees badly damaged must be replaced with the consent of Council at the permit holder's expense. Debris and rubbish from clearing of vegetation must be removed promptly from the road reserve. Roots of 50mm or greater are not to be cut.

5.3.3 Traffic control

The applicant shall make adequate provision for the safety of all traffic using the road or pedestrians using the footway as set out below:

- a) All works in Council road reserves are to be satisfactorily barricaded, signed, lit and made safe to the public by the permit holder at their expense and to the satisfaction of the Director Infrastructure and Asset and Engineering Manager until such time as the works are satisfactorily completed. The permit holder is responsible for maintaining any backfilled opening or pavement prior to and up until the permanent reinstatement of the road, footpath, kerb, nature strip etc.
- b) Not more than one-half the useable road pavement width shall be closed to traffic at any one time. In all cases where traffic is diverted onto the carriageway normally used by opposing traffic, the permit holder shall supply adequate advance warning signs and sufficient traffic control signs or barriers to allow safe movement of traffic.
- c) All signs and barricades to be installed in accordance with Australian Standards 1742.3 2002 Traffic Control Devices for Works on Roads and the Roads and Traffic Authority, NSW, Traffic Control at Worksites Manual.

All works affecting road formation, channel and pavements are to be carried out between the hours of 8:00am and 5:00pm.

No trench in a road pavement shall be left open at night without the permission of the Director Infrastructure. Works not completed within one (1) day must be protected with adequate barriers and appropriate lights.

5.3.4 Liability

The applicant shall accept the liability in connection with works covered by the permit and will indemnify the Council against all actions, claims and demands made by any person for injuries or damages suffered by them by reason of the works.

Prior to the issue of the approval permit, the applicant shall provide Council evidence of their current public liability policy for a minimum amount of \$20,000,000 with an approved insurance company.



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5.3.5 Works as executed

Works “as executed” drawings showing the actual location and level of the installed conduit or pipe shall be submitted to Council by the permit holder within seven (7) days of the completion date of works.

5.4 Works

5.4.1 Notice

A minimum of 48 hours’ notice to be given to Council when inspections are required for all excavation works prior to backfill and after completion of works.

5.4.2 Type of opening

Council will specify whether the works constituting a service or drainage connection are to be bored or open cut, the alignment of the connection, the depth at which the connection is to be placed and the method of reinstatement, including material to be used.

Road crossings on sealed roads shall be thrust bored. (Permission by the Council’s Director Infrastructure to open a trench may be given in exceptional circumstances.) The boring shall be beneath the existing pavement and shoulders, with a minimum cover of 900mm unless otherwise specified on the permit. This cover shall be maintained for the full width of the road reserve.

Boring by water jetting is not permitted.

5.4.3 Standard of work

All works, including reinstatement works, must be completed to the Council’s satisfaction

Should the permit holder fail to meet Council’s requirements, Council will undertake the following rectification actions:

- a) If any of the work does not comply with the requirements of the permit conditions, a written notice will be served upon the permit holder, the permit holder shall within seven (7) days pull down, take up and reconstruct any part of the works which in the opinion of the Council are unsatisfactory.
- b) For works found to be unsafe on inspection by the Council, a written notice will be served upon the permit holder to immediately undertake works to rectify the problem and make the site safe. The rectifications shall be completed within 24 hours of the notice being served
- c) Should the above not be complied with, the Council will undertake works to rectify the problem. The person named on the permit will be responsible for all rectification costs incurred.



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5.4.4 Irrigation crossing

Irrigation culvert crossings shall be constructed to the following standards

- a) The pipe is to be reinforced concrete pipe, rubber ring jointed and minimum diameter of 375mm.
- b) The pipe is to extend from fence to fence for the full width of the road reserve. Headwalls to be provided at each end of the culvert.
- c) Minimum cover to top of pipe shall be not less than 450mm below the table drain and not less than 900mm below the road pavement surface. Council does not accept any responsibility for damage caused to the pipe by works carried out on their behalf following its installation.
- d) A plan showing the proposed culvert's location and design levels is to be submitted to the Council prior to the issue of the road opening permit
- e) Council staff will specify a minimum pipe class capable of carrying the proposed load as per Standards.

5.4.5 Time to complete

The applicant's work shall be completed within thirty (30) days of the issue of the Permit after which the Permit shall lapse. Permits relating to the installation of driveways for new houses must be completed within 30 days from "lock-up" stage.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- Local Government (General) Regulation 2021
- Roads Regulation 2018
- Australian Standards 1742.3 2002 Traffic Control Devices for Works on Roads
- Roads and Traffic Authority, NSW, Traffic Control at Worksites Manual

6.2 Council policies and guidelines

- Governance Policy
- Code of Conduct



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7. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

9. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the *Local Government Act 1993*). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 2020*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	21.07.2004	New Policy document	Director Technical Services
1.1	20.07.2022	Minor review (detail)	Director Infrastructure