

Kyogle Council

Road Reserve Management Plan

2020 Update

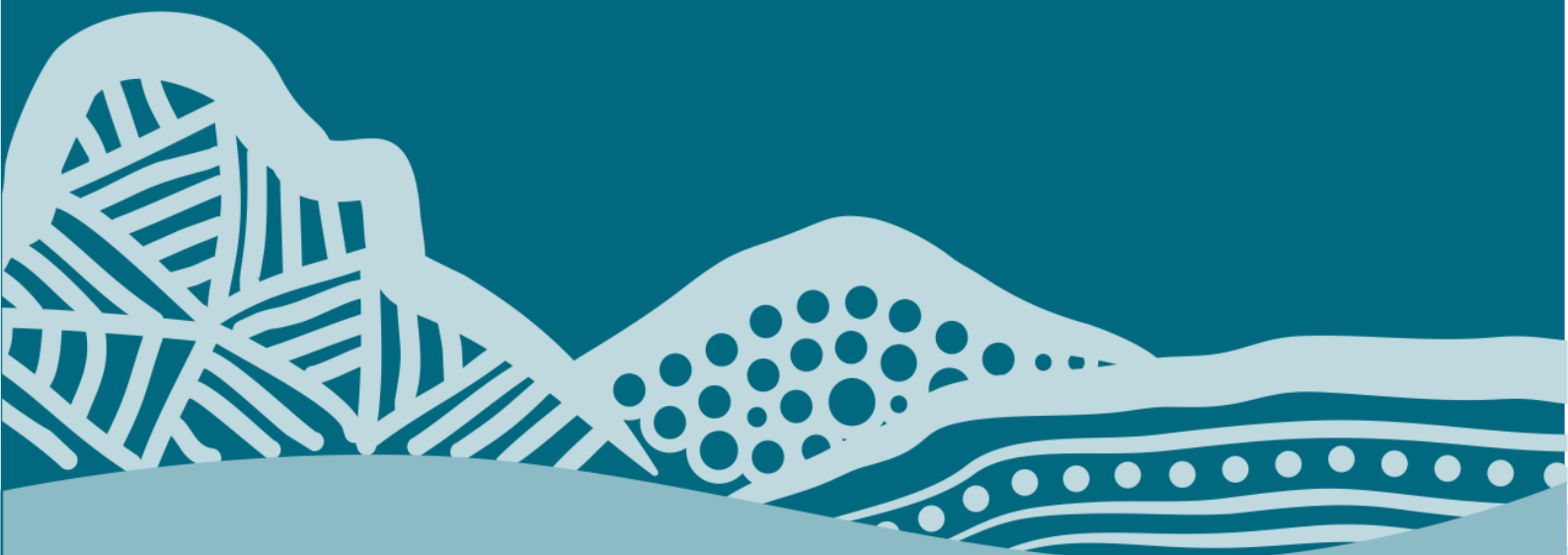


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Kyogle Council Road Reserve Management Plan

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1. PURPOSE

This document is intended to give guidance to Council staff, contractors and land owners in matters relating to performing works within the public road reserve, and the management of public road reserves under Council's control. This document outlines the application processes and requirements to be met prior to conducting works, and the procedures to be followed whilst undertaking works.

2. OBJECTIVES

Council's Road Reserve Management Policy and Management seek to:

1. To provide a system for the assessment and approval of works and events within the road reserves under Council's control.
2. To establish procedures that provide guidance for contractors and external service providers who need to conduct works within road reserves under the care and control of Council.
3. To ensure that any works performed within road reserves under Council's control are conducted by appropriately insured and licensed entities in a safe manner with minimal impact on the environment.

In addition, the Policy and Plan seek to assist in meeting the strategies and actions outlined in Council's Community Strategic Plan;

- Kyogle Council to positively support weed management efforts by actively managing weeds within the road reserve and on other council-maintained land
- Improve road safety

3. SCOPE

Under Section 138 of the Roads Act, any works in the road reserve must be approved by the relevant road authority. For roads in the Kyogle Council Local Government Area, Kyogle Council is the road authority. This document outlines specific activities that require explicit approval by Council (using a formal application process – see Section 4), and other activities that are granted consent from Council without the need for a formal application, as long as they are undertaken in accordance with Section 5. Any activity that is not specified in this document will likely require a formal application to Council. If there is any doubt, please contact Council for clarity.

This document applies to all third party works and events that occur within the road reserve under Council's control. This includes, but is not limited to:

- Developer funded works
- Construction and maintenance of Public Gates and Bypasses (Cattle Grids)
- Maintenance and construction of Property Accesses
- Excavation of road surfaces for pipe or conduit crossings
- Maintenance and construction of electricity and telecommunications infrastructure
- Contract works
- Road closures
- Footpath hoardings
- Roadside and any other physical item that has a foreseeable impact on the safety and amenity of road users within the road reserve

Any works undertaken by Kyogle Council are exempt from the requirements of this Management Plan. This includes sub-contractors working on Council's behalf.

4. ROADS ACT ACTIVITIES REQUIRING APPROVAL

The following activities require an application to be submitted to and approved by Council in order for consent to be granted under Section 138 of the Roads Act.

4.1. Use of footpath and nature strip areas

4.1.1. Temporary footpath hoardings

Temporary Footpath Hoardings are generally associated with works that would also require a Development Application. Permission must be sought to use the footpath or nature strip areas as hoardings, or for unloading and loading of goods. A Works Within the Road Reserve application must be approved prior to installation.

4.1.2. Permanent structures

No permanent structures are to be placed on the footpath or nature strip areas without prior approval by Council. Proposed permanent structures must also comply with the current planning instruments under the Environmental Planning and Assessment Act, and will likely require a separate Development Application.

Guidelines for permanent structures are shown below:

- In areas subject to high pedestrian traffic and commercial activity, there should be no permanent structures erected within the first 2.5m from the building line to ensure that a clear passage is maintained along the shop fronts. The preferred area for placement of street furniture such as seats, signposts, bins, light poles etc. is within the first 1.0m from the back of the kerb line.
- The placement of any permanent structures within the remaining footpath and nature strip areas will be at the sole discretion of Council, who will have regard to the following matters;
 - The level of pedestrian and vehicular traffic in the area
 - Any loss of sight distance or visibility between pedestrians and vehicular traffic
 - Impacts on the visually impaired
 - Accessibility issues associated with wheelchair access
 - Access for street cleaning and garbage collection equipment
 - Health impacts of the structure and associated uses
 - Possible damage to adjacent areas
 - Exposure of Council to civil liability claims

A Works Within the Road Reserve application must be approved prior to installation.

4.1.3. Street vending

For street vending or placement of goods, a Street Vending Application must be submitted to Council and include details of the goods proposed to be placed on the footpath for sale. The Street Vending Application must be approved prior to the placement of any goods or furniture.

Guidelines and requirements for Street Vending are listed on the Street Vending Application.

4.1.4. Footpath restaurants

For footpath restaurant dining, a Footpath Dining Application must be submitted to Council and include details of the activity. The Footpath Dining Application must be approved prior to the placement of any goods or furniture.

Guidelines and requirements for Footpath Dining are listed on the Footpath Dining Application.

4.2. Events within or that have an impact on the road reserve

Any events proposed within the road reserve will require Council approval. This includes, but is not limited to, roadside stalls, road closures for parades or protest rallies, and sporting events such as fun runs and endurance horse riding events.

Other events that may not actually be conducted within the road reserve may still require notification to Council. These would include events that were expected to attract a significant number of people and/or generate significant pedestrian or vehicle traffic or potential parking problems.

In some cases, Council may not impose any fees and charges, but may still require appropriate signage or notification of the proposed events.

Groups or organisations wishing to conduct events within the road reserve or other significant events are encouraged to consult with Council to ensure all parties involved are aware of any requirements relating to the proposed event. If the applicant wishes Council to provide assistance with traffic management during the course of an event, this should also be requested in writing.

A Works Within the Road Reserve application must be approved prior to commencement of events.

4.3. Leasing of unused road reserves

Council will consider an application to lease a road reserve for any purpose allowed under the Roads Act 1993. Leases cannot be granted for any period longer than five years. All applications should be made in writing detailing the proposed use. Fees and charges apply to the application process and the lease, if granted.

Applications will be assessed and approved at Council's discretion.

4.4. Permanent structures within the road reserve

No permanent structures can be erected on a road reserve even where the road reserve is under a lease agreement. If any existing permanent structures are encroaching onto a road reserve an application to lease the road reserve does not resolve the encroachment. Any permanent structure or part of a permanent structure encroaching onto a road reserve under Council's control is the property of Council. If the adjoining land owner wishes to resolve the encroachment they must make application to close the road reserve, or part of the road reserve effected by the encroachment.

Applications will be assessed in accordance with Section 6.4.2 of this document.

4.5. Closing of roads

This includes both the temporary closure of roads to conduct works and/or events, and the permanent closure of roads to create freehold land.

4.5.1. Temporary road closures

Temporary road closures require Council approval prior to installation. Where the proposal requires the closure of a road for any more than ten (10) minutes, Council is required to give the public at least 7 days' notice of the intention to close the road. This is in addition to the standard 14-day notification period. An additional fee will apply to cover the cost of this advertisement.

In emergency situations this fee and notification period do not apply, but notification to Council's office or after-hours emergency contact number must be given.

4.5.2. Permanent road closures

Applications to permanently close a Council controlled public road reserve must be made in writing. All applications will be assessed on an individual case by case basis.

In general, the applicant will be required to cover all costs associated with the road closure process. If the applicant wishes to subsequently purchase the land created by the road closure they will be liable for the purchase costs determined under the Land Acquisition (Just Terms Compensation) Act 1991, in addition to the costs associated with the road closure process.

Council staff will assess the proposed road closure and make a recommendation to Council. Following a resolution by Council, the applicant will be advised in writing of Council's decision on the matter. The closure of the road reserve may not be possible if it "land locks" a parcel of land, or if Council wishes to retain the road reserve for any purpose such as future expansion of the road network.

4.6. Maintenance of existing structures

Minor and miscellaneous maintenance of existing structures such as Property Accesses and Public Gates and Bypasses (Cattle Grids) requires Council approval. A Works Within the Road Reserve application must be approved prior to commencement.

4.7. Lopping and removal of trees

Where an individual or an organisation wishes a tree or trees to be removed from within the road reserve at their own expense, written notification must be made to Council. Council will assess the proposal and notify the applicant if the proposal is acceptable or not.

If accepted by Council, the applicant will be notified of the conditions relating to the removal or lopping process. This notification does not represent approval to conduct the physical works. The tree removal / lopping contractor must make a Works Within the Road Reserve application with the appropriate notice given prior to commencing construction.

4.8. Roadside grazing of stock

Roadside Grazing Permits are issued by North Coast Local Land Services under the provisions of the Rural Lands Protection Act 1998, Part 8, Division 5, Section 102. However, permits require endorsement by Council.

A Roadside Grazing Application must be submitted to Council to commence this process. If an application is endorsed by Council, North Coast Local Land Services will then assess the application, and if accepted, will grant a permit to the applicant.

4.9. Private Structures

Erection of any private structure within the road reserve must be approved by Council. This includes all non-permanent structures that are not covered by other sections of this document

or separate documents such as in the case of Property Accesses and Public Gates and Bypasses (Cattle Grids). This includes, but is not limited to, roadside mailboxes, gardens, signage, pipes and conduits.

4.9.1. Non-approved structures

Any structure erected within the road reserve that has not been approved by Council may be removed by Council at Council's discretion. This will apply retrospectively in the case of all structures erected without written approval of Council.

4.9.2. Application to erect private structure

Any person wishing to erect a non-permanent private structure within the road reserve or to obtain approval for an existing non-permanent private structure must make written application to Council and include details of the location and nature of the proposed structure and its intended use. This should also include justification for the structure needing to be located within the public road reserve.

If accepted by Council, the applicant will be notified of the conditions relating to the construction/installation process. This may include requiring a qualified contractor to make a Works Within the Road Reserve application with the appropriate notice given prior to commencing construction.

4.10. Road crossings

All road crossings will require the submission of a Works Within the Road Reserve application. For works undertaken by service providers, such as Essential Energy and Telstra, please refer to Section 6.

The crossing of sealed roads is not generally accepted by way of open trenching excavation. Under-boring methods should be used to lay services across road. Only in exceptional circumstances will open excavation of sealed roads be considered.

4.10.1. Road crossing by open excavation

Where a road crossing is to be made by open excavation, an appropriately qualified contractor must complete a Works Within the Road Reserve application and may be required to submit Project Management documentation with Council. In these cases, additional documentation needs to be submitted and a construction bond will be required to be paid prior to the start of works (Refer Section 8). All cables and pipes crossing Council's roads are to be encased in an appropriate conduit as per the standard drawing in APPENDIX A – Standard Road Crossing.

4.10.2. Road crossing by under-bore

Where a road crossing is to be made by Under-bore or other trenchless technology where the road pavement is not disturbed a Works Within the Road Reserve application providing the equipment used will not encroach on the area above the surface of the road reserve during the course of the works. In these cases the application shown in APPENDIX A – Standard Road Crossing can be used.

5. ROADS ACT ACTIVITIES THAT DO NOT REQUIRE APPROVAL

The following activities are granted consent from Council under Section 138 of the Roads Act and do not require a Works Within the Road Reserve application, as long as these are performed in strict accordance with the guidelines listed. Note: activities may require approval under legislation other than the Roads Act. If there is any doubt, please contact Council for clarity.

5.1. Use of footpath and nature strip areas

5.1.1. Portable advertising structures

All shopkeepers are permitted to display on the footpath a single A-frame style sign board per shop without any formal approval from Council. No fees or charges apply to the placement of A-frame style signs. Any such sign;

- must be placed within the shop frontage
- must encroach no further than 1.0m from the kerb line
- must be no bigger than 900mm wide,
- should be placed at the dividing line of the adjacent car parking bays wherever possible, to avoid interference with car doors and people entering and existing vehicles.

No other items including, but not limited to, signs, advertising material, amusement rides, storage, seats, tables are allowed on the footpath without formal approval from Council. Any permanent advertising structure will need to comply with Section 4.1.2.

5.1.2. Street vending

Street vending or placement of goods activities are granted consent without application if they are one of the following;

- Activities where there is a Development consent in place for the activity (e.g. Farmers Markets)
- Activities associated with a charity that has been previously authorised by Council
- Activities association with Kyogle's "Red Hot Sale Day" or other such event previously endorsed by Council, or
- Activities where there is a formal Agreement in place between Council and the proprietor of the adjacent business

Vendors selling food will also need to confirm they have met all Health requirements. If there is any doubt, please contact Council for clarity.

5.1.3. Footpath restaurants

Footpath restaurant dining activities are granted consent without application if they are one of the following;

- Where there is a Development consent in place for the adjacent food premises or restaurant, and
- Where there is an existing formal Agreement in place between Council and the proprietor of the adjacent business

5.2. Mowing of roadside areas using tractor mounted devices

Mowing of roadside areas of Council's roads (excluding Summerland Way and Bruxner Highway) using tractor mounted devices is granted consent without application if it is conducted in accordance with the following.

1. Appropriate traffic controls/signs are in place
2. Appropriate Safe Work Method Statements are being used
3. The operator is covered by at least \$20million Public Liability Insurance

5.3. Mowing of roadside areas using hand and ride on mowers

Mowing of roadside areas is granted consent without application if it is conducted in accordance with the following;

1. A hand mower with catcher or guards is used, or
2. A ride-on mower with guards is used, and
3. The works do not encroach onto the trafficable surface of the road

Individuals to conduct these works are responsible for ensuring no debris enters the trafficable surface of the road.

5.4. Roadside fencing

Roadside fencing refers to the fencing along the road reserve boundary, usually parallel to the constructed roadway. Roadside fencing is granted consent without application if it is conducted in accordance with this section.

Roadside fencing is the responsibility of the owner of the property adjoining the public road. It is also the property owner's responsibility to verify property and road reserve boundaries prior to fencing. Council may require the boundary between private property and the public road reserve to be fenced, but will not generally do so unless there are issues with containment of stock.

The specifications provided below identify a minimum acceptable standard. All fencing is to be kept and maintained to ensure containment of stock.

5.4.1. Specifications

Council has specified minimum standards for roadside fencing based on the type of road and its location. These standards are provided as a minimum standard, if an alternate fencing system can be demonstrated to be as effective or more effective than that specified above, then this alternative can be considered for approval at the discretion of Council.

Fencing must be in accordance with RMS R0800 Fencing Series Rural Road Boundary standard drawings, following the specifications below. If the standard drawing and the specifications listed below do not agree, the specifications below will prevail. If there is any doubt, please contact Council for clarity.

Main Roads (Summerland Way and Bruxner Highway)

- Five (5) strand wire fencing
- Posts at three (3) meter spacings

All Rural Roads

- Four (4) strand barbed wire fencing
- Posts at four (4) meter spacings

Urban Streets

- Four (4) strand wire fencing
- Posts at three (3) meter spacings

Electric Fencing

- Electric fencing must not be erected on the road reserve boundary
- Any electric fencing must be erected a minimum of 300mm inside the road reserve fencing
- Electric fencing must not be used where there is not roadside fencing in accordance with the specifications shown above

Note: The above provisions do not apply in emergency situations where the electric fence is used as a temporary barrier to contain stock where the existing fence has been damaged by causes out of the control of the adjoining land owner such as landslip, flood or fire.

6. EXTERNAL SERVICE PROVIDERS

External service providers (e.g. Essential Energy, Telstra etc.) own and maintain infrastructure within the road reserve and must undertake works in accordance with guidelines in this section. This includes works by subcontractors working on behalf of external services providers.

6.1. Maintenance of existing infrastructure

In the case of minor maintenance works on existing infrastructure, Council does not require the service provider to make application to Council to conduct maintenance works, only where the works are in accordance with the following:

- pedestrian and road traffic are not affected, and
- environmental impacts are negligible, and
- no new infrastructure is to be installed, and
- the service provider has appropriate Safe Work Procedures in place

6.2. Construction and alteration of infrastructure

In the case where new infrastructure is proposed or alterations to existing infrastructure are proposed, Council requires written notification to be received a minimum of 14 days prior to the proposed commencement date. This notification should include details of the proposed works and details of the environmental considerations addressed during the service providers planning stages. Where the proposal will impact on pedestrian or road traffic details of the proposed traffic management will also be required.

If Council objects to the proposal or has any additional requirements the relevant agency will be provided with details of these in writing prior to the proposed commencement date. Where required Council or the service provider may request a site inspection to verify the requirements of either party. No fees or charges will apply to this process.

6.3. Emergency Works

In emergency situations, external service providers are not required to obtain Council approval prior to construction. However, rectification works must be completed to the satisfaction of Council.

7. REGISTRATION OF PRE-APPROVED CONTRACTORS

Council will provide a system for contractors to register for pre-approval to conduct works within the road reserve and/or on Council owned assets.

This pre-approval process is not mandatory, nor does it exclude contractors from making application to conduct specific works. This pre-approval process is in place to reduce administration workloads associated with contractors that regularly perform works within the road reserve.

Council will maintain a register of pre-approved contractors, along with relevant documentation, such as insurance certificates, safe work method statements etc.

8. COMPLEX WORKS REQUIRING QUALITY CONTROL

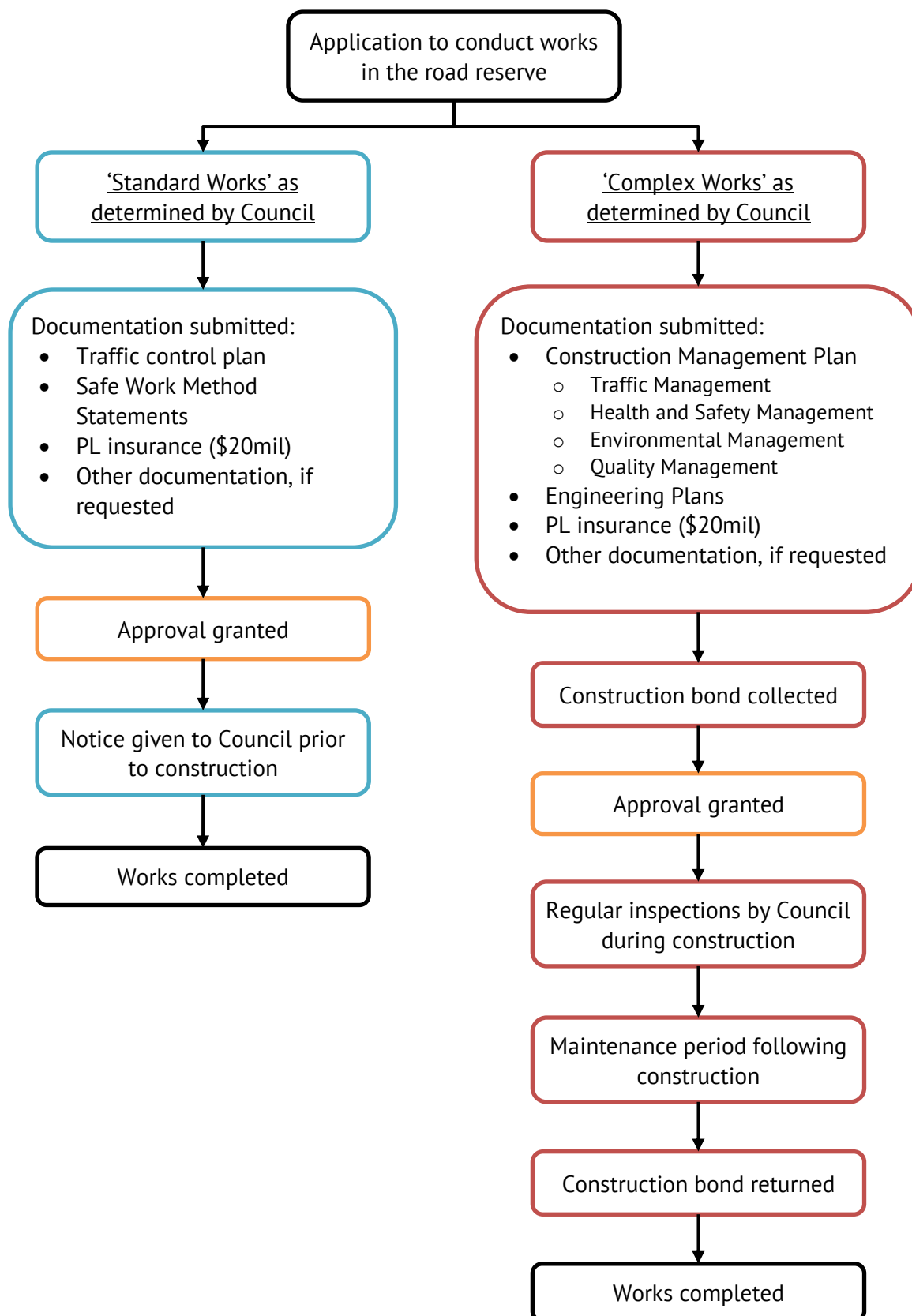
As determined by Council, an applicant may be required to provide a Project Management documentation for certain 'complex' works that require a level of quality control. Works that this may apply to include:

- Works on road assets required through development conditions
- Works on privately maintained structures such as Public Gates and Bypasses Cattle Grids) and Property Accesses
- Works related to new assets that are to be transferred to Council upon acceptance of works.

A Works Within the Road Reserve application must be approved along with payment of bonds, if relevant, prior to construction. The amount of the bond will be determined by the following calculation:

Estimate of costs of works	Maintenance bond amount
up to \$50,000	10% of estimate price (minimum bond \$1,000)
over \$50,000	\$5,000 plus 5% of balance over \$50,000

The general process for both 'standard' and 'complex' work in the road reserve is described in the following diagram:



APPENDIX A – Standard Road Crossing

