

Council Policy

Council policy title:	Works on Assets within the Road Reserve Policy 2018
Council policy owner:	Director Environment, Recreation and Infrastructure
Adopted by:	Bayside City Council
Date adopted:	March 2018
Scheduled review:	March 2022
Document Reference:	DOC/18/9110

(Council Policy is a high level public statement formally resolved by Council, which clearly states Council's requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature.)

1. Policy intent

The policy is intended to guide Council's decision making with regard to consenting to works carried out by those other than Council within the road reserve,

2. Policy purpose

The purpose of this policy is to ensure that works within the road reserve are managed in accordance with Council's obligations under the Road Management Act, and also the broader Bayside City Council Plan objectives: providing safe and sustainable transportation and infrastructure assets and also protecting and enhancing Bayside's natural environment and open spaces.

3. Glossary - Definitions and Abbreviations

Term	Meaning
Road Reserve	The total area between property boundaries within which facilities such as roads, footpaths, and associated features may be constructed for public travel.
Legal Point of Discharge	A point specified by Council where stormwater from a property must be discharged. This point is usually Council's stormwater drain, where available, or street kerb and channel.
Stormwater	Naturally occurring water that results from rainfall falling on or around the surface of a site, or water flowing onto the surface of a site, but does not include any rainfall which does not form or become surface run-off from a site, and which has otherwise soaked, seeped or percolated into the subsurface of the ground or the soil of a site.
Subterranean discharge	Discharge or flow of pumped water originating from sub-surface agricultural drainage systems and the discharge or flow of pumped water associated with the construction of basements and/or underground car parking or other below-ground structures.

Road Management Plan	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 <i>Road Management Act 2004 (Vic)</i> .
Road Opening Permit	A permit outlining the conditions under which Council allows the holder to undertake works within the road reserve as is consistent with the <i>Road Management Act 2004 (Vic)</i> .
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.
Vehicle Crossing	The constructed pathway between the road way and the property driveway to facilitate safe and effective vehicle access to properties. They also protect underground services in the nature strips from heavy vehicle loads.
Coordinating Road Authority	In relation to a road, means the road authority which has coordination functions as determined in accordance with section 36 of the Road Management Act (2004).

4. Scope

This policy covers private works within the road reserve performed by property owners or their contractors.

This Policy applies to road reserves whereby the City of Bayside is the Coordinating Road Authority under the Road Management Act 2004.

This Policy does not apply to road reserves on Arterial Roads where VicRoads is the Coordinating Road Authority under the Road Management Act 2004. Any work in the road reserve including the nature strip along an Arterial Road requires consent for works which must be sought directly from VicRoads.

Works covered in this policy include those works not controlled by Council. This does not include works undertaken by other authorities (e.g. water, power, telecommunications) whose activities are governed by state or national legislation.

5. Policy statement

This policy recognises that while responsible for the management of the road reserve, Council will not always initiate or conduct works within the reserve. As the Coordinating Road Authority Council will establish and maintain systems and processes to ensure all works:

- Provide safe and efficient access to properties with minimum disruption to other road users, including pedestrians;
- Prevent unnecessary loss of on-street parking;
- Mitigate any impact on Council assets such as street and park trees, drainage and street furniture;

- Prevent (or minimise where applicable) any impact on protected vegetation and heritage values of private properties located within relevant planning scheme overlays; and
- Compliment Council’s urban design principals such as maintaining green space along Council’s streets; and maximizing opportunities for street tree planting, as per the Bayside Tree Strategy (2011).

Notwithstanding any other works in the road reserve initiated by residents, the policy recognises three common activities:

- Nature strip planting
- Vehicle crossover construction, and
- Discharge of pumped subterranean water.

This policy will set high level principles to govern each of these activities. The principles will also govern the development and maintenance of Guidelines which set out Council’s specific compliance requirements for each activity.

Nature Strip Planting

The policy acknowledges that well maintained nature strips add to the visual appeal of Bayside and its streetscapes. Nature strip planting and the use of indigenous ground covers, grasses and shrubs as alternatives to the “traditional grassed nature strip”, can achieve a range of environmental and social benefits. These include increased biodiversity, increased visual amenity, reduced maintenance and reduction in background noise levels from petrol mowers and line trimmers.

The policy acknowledges Council’s role in managing nature strip planting activities and will act to ensure:

- That appropriate approvals are obtained prior to nature strip modifications,
- That the underlying purposes of the nature strip can be maintained while ensuring the ongoing safety of the general public;
- That residents are informed of approved species to plant, and
- That the nature strip is landscaped and maintained appropriately to provide for the safe and unobstructed flow of pedestrian traffic, access for bus stops, postal deliveries and utility service providers, unimpeded access to fire hydrants, the safety of vehicles using the road, kerbside parking of vehicles and safe and practical conditions for waste collection.

The Nature Strip Planting Guideline is available on the Council Website.

Vehicle Crossover

The policy recognises Council’s legislative responsibility to provide consistent, transparent, equitable and efficient guidelines for the installation and alteration of vehicle crossings within the City of Bayside and to provide clarity for applicants during the vehicle crossing permit application process. Council will meet responsibility applying the following principles:

- Continuity of neighbourhood streetscape and character by minimising the number of crossings and restricting the width of crossings to the minimum required

- Provision of safe and efficient access to properties with minimum disruption to other road users, including pedestrians;
- Prevention of unnecessary loss of on-street parking;
- Mitigation of any impact on Council assets such as street and park trees, drainage and street furniture;
- Prevention (or minimising where applicable) any impact on protected vegetation and heritage values of private properties located within relevant planning scheme overlays; and
- Observation of Council's Urban Design Principles, such as maintaining green space along Council streets; and maximising opportunities for street tree planting, as per the Bayside Tree Strategy.

The Vehicle Crossover Guideline is available on Council's Website.

Subterranean Drainage

This policy acknowledges Council's role in ensuring proper care, management and control of the storm water drainage system. The policy emerges in the context of increasing development in the municipality, construction of basement car parks and the ensuing applications to Council to receive subterranean water pumped from such structures into kerb and channel within the road reserve.

The policy upholds the following principles:

- The intent of the kerb and channel network is to receive stormwater. Council is under no legal obligation to accept any subterranean water discharge or flow into the Council's storm water drainage system;
- Provision for disposal of subterranean water is the responsibility of the resident. This is broadly achieved by disposal to the nearest public underground drainage system. Construction of associated infrastructure will be at the resident's cost and subject to approval by Council. Alternatively property owners can enter into a trade waste agreement with the sewage authority (South East Water) to discharge subterranean water to the sewage system; and
- Where Council agrees to receive subterranean water from any building or land, it must not, having regard to its quantity or nature, be dangerous to public health, safety or wellbeing and will not constitute a nuisance. Acceptance by the Council of any subterranean water from any building or land will not adversely impact on the quality of storm water within the City of Bayside. The subsequent discharge or flow of any subterranean water into Port Phillip Bay will not impact upon the natural environment or human activities

The Discharge of Pumped Subterranean Water Guideline is available on the Council's website.

Approval Process

The policy acknowledges the review processes associated with the issue of permits and approvals for works in the road reserve and the following components of the process.

Road Opening Permit: The Road Management Act 2004 requires that all works within the road reserve require a permit from the relevant Coordinating Road Authority (CRA). Where Bayside

City Council is the CRA a “Consent to work within the Road Reserve” is required. This process must be initiated by the resident or contractor prior to any works commencing within the road reserve.

Plans: All proposed works should be shown on a plan and submitted along with completed application documents. The plan will show the location of all existing infrastructure and underground services.

Safety and Liability: It is the responsibility of the resident or contractor as the “works manager” to undertake the works safely. Prior to works commencing on site this includes (but is not limited to) preparation and approval of a Traffic Management Plan and location of underground services.

During works, the resident has a Duty of Care to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

6. Monitoring, evaluation & review

This Policy, shall be monitored, evaluated and reviewed regularly by authorised Council Officers to assess the impacts and ensure the objectives of the Policy are met.

The effectiveness of the policy will be monitored through a number of performance indicators:

- Downloads of the policy over time and related guidelines from the website
- Number of complaints received regarding works within road reserve.
- Number of requests for information regarding works within road reserve.

The effectiveness of achieving the policy intent over time will be assessed in relation to the results of these performance indicators. The policy will be reviewed on a four year cycle to determine the impact of the Policy in achieving sustainable infrastructure outcomes

7. Roles & Responsibilities

Manager Development Services:

- Oversees the customer service and administration components in this Policy.

The Director Environment, Recreation & Infrastructure:

- Responsible for the recommendation of changes to this policy to Council and to approve procedures in respect of this policy.

Building Surveying and Asset Protection Coordinator:

- Responsible for implementing this Policy and Procedure.
- Assessing Road Opening Permit & Vehicle Crossing Applications.

Local Laws:

Where works have occurred without a permit Local Laws to issue a Notice to Comply.

Any relevant internal officer input as part of the internal referral process will be overseen by the relevant departmental manager.

8. Related documents

Legislation	Road Management Act (2004) Bayside City Council – Consolidated Local Law No. 2
Policies	Service-Driven Asset Management Policy 2014 Local Area Traffic Management Policy 2016 Neighbourhood Amenity 2012 Street and Park Tree Management Policy 2016
Strategies/Plans	Road Management Plan Bayside Tree Strategy Sustainability Strategy Drainage Asset Management Plan Road Asset Management Plan Open Space and Recreation Asset Management Plan
Procedures/Processes	Vehicle Crossing Permit Application Assessment Procedure Street Tree Assessment Procedure Nature Strip Planting Guideline Discharge of Pumped Subterranean Water Guideline Vehicle Crossing Guideline Road Opening Permit Application Legal Point of Discharge Application
Other	Bayside Standard Drawing BCC401 AS4970-2009 Protection of Trees on Development Sites

Please note: This policy is current as at the date of approval. Refer to Council's website (www.bayside.vic.gov.au) to ensure this is the latest version.