

From:
Sent: Thu, 3 Oct 2019 11:37:03 +1100
To: Policies;SVC - All Staff
Subject: RE: RE: Internal Exhibition of Policies

Review of Keb and road verge policy

Issues:

4.2 Management of Road Verges

i. Council will employ a reactive approach to defects occurring on road verges on maintained roads recognised within Council's Roads Register, through response to complaints received

ii. Maintenance Activities that Council will not undertake on road verges include:

o Mowing in front or adjacent to privately owned or operated properties

o Weeding, unless a declared noxious weed recognised within Council's weed eradication program

o General maintenance of private structures, gardens or sculptures within the road reserve

iii. Maintenance activities within

Comment: There is no such thing any more as a DECLARED NOXIOUS WEED. Since 2015 the noxious weed act was replaced by the Biosecurity Act. The terminology below for the second dot point should read.

- Mowing. Council states that it will not mow in front of or adjacent to private properties, HOWEVER; there are a number of land holders in the shire that do not mow or use the "council lands" in front of their property and deliberately do not mow or maintain the road verge or nature strip. There is no legal requirement for them to do so, nor a means of legal enforcement. – This is an issue that I am constantly called to act upon and in some cases properties have been left for up to 3 years before the issue becomes a road hazard and council eventually slashes the grass on "its own" property. – There is nothing addressing this issue unless it is in the procedures that accompany this policy but they have not been presented.
- Weeding, unless an identified priority weed for management has been identified in accordance with Council's Weeds action Program and the applicable Regional Strategic Weed Management Plan in which the road verge is located.

6 ASSOCIATED LEGISLATION

New South Wales Local Government Act 1993

Civil Liability Act 2002

Roads Act 1993

Roads Regulation 2008

Comment: Add Biosecurity Act 2015

From: Policies

Sent: Thursday, 3 October 2019 10:21 AM

To: SVC - All Staff

Subject: RE: Internal Exhibition of Policies

Good Morning All

We are inviting feedback and comment on the following policies and strategies:

- **Draft Roadside Vegetation Management Policy**
- **Draft Banner Policy**
- **Draft Footpath, Kerb and Roadside Verge Policy**

Comments and feedback relating to these policies and strategies are appreciated by the 11th October 2019

Many Thanks

The Policy Team



Policy Title	Footpath, Kerb and Road Verge Policy
Policy Category	Public
Number & Version	SVC-ENG-PO-064-01
Policy Owner	Asset Planning and Design
Approval by	
Effective date	
Date for review	September 2020

1 STRATEGIC PURP/OSE

Snowy Valleys Council (Council) recognises its role in providing services which promote safety and amenity for the community, whilst balancing these expectations within the resources available to Council.

2 POLICY STATEMENT

This footpath, kerb and road verge policy establishes guidelines for the management and administration of infrastructure within the road verge, extending to pedestrian ways, to ensure realisation of value and assurance in service delivery.

Council is required to define the limits of management and administration it will undertake on the assets within its road reserves for which it is the responsible authority. The objectives of this policy are to define:

- a) Extent of maintenance undertaken within road verges, kerb and footpath infrastructure
- b) Under its authority, administration and management of public road verge and infrastructure contained within the verge
- d) Contributions towards new construction for kerb and footpaths

This policy excludes consideration of driveways, of which are addressed within Councils *Road Management Policy*.

Application of this policy does not extend to public or private parties with authority to operate and maintain utility and telecommunications services in accordance with State and Federal legislation.

3 DEFINITIONS

Road Verge - section of road reserve from the shoulder of road to the property or lot boundary, may exist with developed infrastructure or unformed. Also known as Nature Strips.

Footpath - paved surfaces provided for passage of pedestrian either by foot, by bicycle or other means of pedestrian mobility

Kerb and Gutter - formed open concrete drains located on road shoulders for the purpose of collection and transport of stormwater to appropriate points of discharge

Maintained Road - a road that is included in Council's Road Register and maintained by Council.

4 CONTENT

4.1 Legislative Framework

- i. The primary legislation for management of infrastructure on road reserves is the Roads Act 1993 and the Civil Liabilities Act 2002
- ii. Council has no statutory duty to carry out construction or maintenance works on public road reserves
- iii. Council may require contribution from property owners towards the construction of new footpath or kerb infrastructure
- iv. Private parties may undertake work on Council road reserves subject to consent being given by Council including:
 - o Modification to existing civil infrastructure
 - o Establishment of gardens, sculptures or other modifications
- v. Council upholds a duty of care with relation to the infrastructure and services it provides

4.2 Management of Road Verges

- i. Council will employ a reactive approach to defects occurring on road verges on maintained roads recognised within Council's Roads Register, through response to complaints received
- ii. Maintenance Activities that Council will not undertake on road verges include:
 - o Mowing in front or adjacent to privately owned or operated properties
 - o ~~Weeding, unless weed biosecurity is required to manage, eradicate or contain a new or existing widespread priority weed a declared noxious weed recognised within Council's weed eradication program~~
 - o ~~_____~~
 - o General maintenance of private structures, gardens or sculptures within the road reserve
- iii. Maintenance activities within the road reserve involving mowing or upkeep of the road verge in a neat and tidy condition will not require consent from Council. Council will discourage, the planting under powerlines, near light poles and access points for utilities.
- iv. Dumping of rubbish within road verges is not permitted, including green waste
- v. Council makes the following provisions for garbage and recycling bins:
 - Placed on the kerbside facing the road and spaced at least 1 metre apart
 - Must not be placed near trees, signs, light poles, parked cars, driveways or hazardous locations
- vi. Council may elect to seek remedial action be undertaken to make good any damage undertaken by unauthorised work or dumping within the reserve
- vii. Council may undertake works to make good any damage caused by unauthorised works at the cost of the responsible land owner

4.3 Footpaths

- i. Council will maintain an asset register for all footpaths recognised as Council managed infrastructure
- ii. The register will be utilised to determine operational, maintenance and capital infrastructure requirements for the footpath network
- iii. Council will provide a maintained footpath network according to the footpath assets register, within the limit of funds available, as determined in Council's Operational Budget, *Long*

Term Financial Plan, Strategic Asset Management Plan and Transport Asset Management Plan

- iv. Council will consider requests for construction of new footpath on the basis of quadruple bottom line principles (social, economic, environmental, governance) to ensure the ongoing sustainability of the services provided to the community
- v. Council will seek contribution from owners of land adjacent to the construction of new footpath in accordance with the Roads Act 1993 No. 33 (s.217) on the basis of the following schedule

Situation	Contribution Policy
Direct Frontage	Length of the direct frontage to the street at 50% of the construction rate
Corner Blocks	Length of the direct frontage to the street at 50% plus the side street at 25% of the construction rate
Frontage to Cul-de-sac or curving road	Length of the direct frontage as a fraction of all other direct frontages adjacent to the curve alignment, multiplied by the length of the fronting section of path at 50% of the construction rate
Condition of Development Consent	Full Cost to Development
Footpath construction rate is the rate stated in Council's Fees and Charges Policy for the year of construction	

4.4 Kerb and Gutter

- i. Council will maintain an asset register for all kerb and gutter recognised as Council managed infrastructure
- ii. The register will be utilised to determine operational, maintenance and capital infrastructure requirements for the kerb and gutter network
- iii. Council will provide a maintained kerb and gutter network according to the kerb and gutter assets register, within the limit of funds available, as determined in Council's Operational Budget, *Long Term Financial Plan, Strategic Asset Management Plan and Transport Asset Management Plan*
- iv. Council will consider requests for construction of new kerb and gutter on the basis of quadruple bottom line principles (social, economic, environmental, governance) to ensure the ongoing sustainability of the services provided to the community
- v. Council will seek contribution from owners of land adjacent to the construction of new kerb and gutter in accordance with the Roads Act 1993 No. 33 (s.217) on the basis of the following schedule

Situation	Contribution Policy
Direct Frontage	Length of the direct frontage to the street at 50% of the construction rate
Corner Blocks	Length of the direct frontage to the street at 50% plus the side street at 25% of the construction rate
Frontage to Cul-de-sac or curving road	Length of the direct frontage as a fraction of all other direct frontages adjacent to the curve alignment, multiplied by the length of the fronting section of path at 50% of the construction rate

Condition of Development Consent	Full Cost to Development
Kerb and gutter construction rate is the rate stated in Council's Fees and Charges Policy for the year of construction	

5 RESPONSIBILITIES /ACCOUNTABILITIES

Mayor and Councillors

- To lead discussions with the community in the understanding of this policy and the policies intent
- To communicate the policy to the community
- To receive regular updates on its implementation

General Manager and Directors

- To lead employees in their understanding of this policy and to monitor its relationships with other areas of council activity

Division Managers

- To communicate, implement and comply with this policy and develop procedure frame work to facilitate the policies intention

All Council Officials

- To implement this policy and related procedures
- To comply with this policy and consider its implications for related projects and programs

6 ASSOCIATED LEGISLATION

New South Wales Local Government Act 1993

Civil Liability Act 2002

Roads Act 1993

Roads Regulation 2008

[Riverina Regional Strategic Weed Management Plan 2017-2022](#)

7 ASSOCIATED COUNCIL DOCUMENTS

Roadside Vegetation Management Policy SVC – RDS – PO- 066

Roadside Vegetation Management Plan SVC – RDS – Pln – 004-01

8 HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Superseded	Asset Management Policy	TSC-ENG-PO-113-01 (former Tumbarumba Council Policy)		
	Superseded	Asset Management Policy	Info.02 version 1.1 (former Tumut Council Policy)		
	Superseded	Kerb and Gutter Policy	Roads.05 version 1.8 (former Tumut Council Policy)		
	Superseded	Terms of Payment for Kerbing and Guttering	TSC-ENG-PO-101 (former Tumbarumba Council Policy)		
	Superseded	Footpath, Cycleway and Shared Use Paths	TSC-RM-PO-051-02		

		Infrastructure – Risk Management	(former Tumbarumba Council Policy)		
	Superseded	Maintenance of Footpath and Nature Strip(Roads Reserve) Areas Policy including procedure	TSC-ENV-PO-121-0 (former Tumbarumba Council Policy)		
	Superseded	Footpath, Cycleways and Road Verge Policy (former Tumut Council Policy)	Roads.04 version 1.7 (former Tumbarumba Council Policy)		

DRAFT