


Hay Shire Council Policy



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| Title of Policy | Road Opening Policy | |  |
| This applies to | Members of the public wishing to undertake activities within the public road reserve that involve the excavation, trenching or other disturbance to road surface or subsurface | | |
| Author | Aaron Drenovski | Date Approved: | 29 th April 2014 |
| Position of Author | Director of Technical Services | Authorised by: | Council |
| Legislation, Australian Standards, Code of Practice. | Roads Act, 1993 – Section 138 | | |
| Related Policies/Procedures | | | |
| Attachments | Fact Sheet Form - Application for consent for works and structures in/on a public road | | |
| Aim | To control activities by private persons within the public road reserve that may damage Council or other authority infrastructure and/or create risks to public health and safety | | |
| Version | Details | Date | |
| 1 | Initial Issue | 19 th April 2011 | |
| 2 | Review | 29 th April 2014 | |
| Superseded Policies | | | |
| The Policy | | | |

OBJECTIVE

Section 138 of the Roads Act, 1993 provides:

- (1) A person must not:
 - (a) erect a structure or carry out a work in, on or over a public road, or
 - (b) dig up or disturb the surface of a public road, or
 - (c) remove or interfere with a structure, work or tree on a public road, or
 - (d) pump water into a public road from any land adjoining the road, or
 - (e) connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

This policy is designed to provide a method of implementation of those requirements and to ensure that works undertaken on a public road are done so in accordance with appropriate technical and safety guidelines.

POLICY

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Application of this policy

This policy applies to all Local, Regional and State roads within Hay Shire LGA.

Note: Works proposed on the road reserves of either of the three State Highways (Cobb, Mid Western and Sturt) may also require approval from the NSW Roads and Traffic Authority.

Procedures to obtain a Road Opening Permit

Persons wishing to undertake any activity referred to in Section 1.0 must:

- a. Make application for approval in writing using the appropriate form (copy attached) or as otherwise acceptable to the Director of Technical Services;
- b. Pay the appropriate fee as determined annually and included in Council's Fees and Charges Schedule;
- c. If required by the Director of Technical Services, provide a Traffic Management Plan that provides for the safe passage of all other road users around the work site;
- d. Provide evidence of Public Liability insurance in an amount of not less than \$20 million; and
- e. If required by the Director of Technical Services, provide evidence that all plant is registered and subject to third party insurance.

Council's responsibilities

Within 14 working days of receipt of a completed application for a Road Opening Permit, Council will make a determination to approve, approve with conditions or not approve the application and so advise the applicant in writing. If the application is not approved, the reason(s) therefore will be included in the written advice.

Penalties

Section 138 of the Roads Act provides a maximum penalty of 10 penalty points for a breach of that section.

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