

11.2.1. Review of Policies 10.11 and 10.16

Prepared by	Kaitlin Cibulka – Executive Assistant
--------------------	---------------------------------------

Department Infrastructure Services

Authorised by Director of Infrastructure & Services

Summary

The purpose of this report is to provide an update to the following Council policies:

- Policy 10.11 - Crown and Private Roads - Maintenance
- Policy 10.16 – Roadworks – Provision of Unusable Materials to Property Owners

To better ensure their accuracy, completeness and pertinence to an evolving community.

Commentary

Changes to Policy 10.16 can be summarised as follows:

- Inclusion of definitions of a Crown road and a private road.
- While the policy still notes that Council will not perform maintenance on Crown and private roads, it clarifies that a private entity may engage Council on a fee-for-service basis to perform improvement work on a non-Council asset. This is referred to as a 'Work at Owners Cost'.
- Should a 'Work at Owners Cost be requested for a Crown road, written permission must be sought from the Department of Crown Lands, along with agreement that such works are a 'one-off' and do not constitute Council's acceptance of any ongoing liability, responsibility or an asset transfer at any point.
- Should a 'Work at Owners Cost be requested for a Crown or private road, an agreement will be entered based on a predetermined quote of reasonable costs. The costs of work will be billed to the recipient once complete.
- Detail indicating requests for exemption or deviation from this policy may only be determined by Council.

Changes to Policy 10.16 can be summarised as follows:

- Clarification on the definition of 'spoil material'.
- Provision for equitable distribution if more than one owner requests spoil material.
- Clarification that spoil may only be provided at Council's discretion and that other uses may be identified which take priority.
- Written agreement must be procured prior to any access to private property, or provision of spoil material to any individual. A template agreement has been drafted to simplify the process. This template spells out that:
 - Council will enter private property to transport the spoil material.
 - Council will act to ensure any damage is mitigated, but Council is not liable for minor damage caused while providing the spoil material.
 - It must be agreed that if multiple people request material, it is to be equitably shared.
 - Only a visual inspection must occur to determine that the material is free from contaminants. If additional contaminant testing is required, it must be performed by the resident seeking benefit.
 - The property owner is entirely responsible for spreading or working the material and appropriate sediment control and
 - Council may rescind the offer at any time.

Where it is economical and efficient to do so, from time to time Council does provide spoil material to property owners rather than dispose of it elsewhere. This policy has been revised to reflect a clearer process as such.

The changes to the two policies above are major as changes affect the purpose of the policy and its potential effect on members of the public. As such, both policies require a public exhibition period of 28 days.

Policy Implications

Nil - recommendation for public exhibition of amended policies.

Financial Implications

- Budget approved - Nil
- Cost centre – N/A
- Expended to date – Nil
- Future potential impact – Nil

Legal and Risk Management Implications

Nil

Attachments

1. Policy 10.11 Crown and Private Roads Maintenance Responsibility [11.2.1.1 - 3 pages]
2. Policy 10.16 Road Works Provision Of Unusable Materials To Property Owners [11.2.1.2 - 4 pages]

Recommendation

THAT Council endorse the amended Policy 10.11 - Crown and Private Roads - Maintenance and Policy 10.16 – Roadworks – Provision of Unusable Materials to Property Owners for public exhibition for a period of 28 days, prior to consideration of any submissions and adoption of the policies.