

Road Alteration or Encroachment Policy



| | |
|---------------------------------|--|
| Record number | D21/28412 |
| Responsible Manager | Manager Civil Assets |
| Other key internal stakeholders | Director Assets & Environment Director Community & Cultural Development Manager Finance & Rating Services Supervisor Civil Operations Group Coordinator Civil and Building Projects Manager City Development Manager Parks Community Safety Leader Manager City Strategy |
| Last reviewed | 16 June 2021 |
| Adoption reference | Policy and Strategic Development Committee |
| Resolution number | 123 |
| Previous review dates | 24/09/19, 10/07/2018, 28/02/2017 (Merges Use of a Road for a Business Purpose (Permit) Policy), 28/04/15, 16/05/12, 12/08/08, 8/4/08, 9/10/07 |
| Legal requirement | NA |
| Due date next review | 2024 |

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

1. PURPOSE

The purpose of this Policy is to establish guidelines for the management of third party alterations or encroachments onto public streets or roads that are managed by Council (this includes the footpath or verge areas, or similar, that are outside of the road carriageway but in Council ownership).

The existence of this Policy will assist in limiting Council's liability (risk, maintenance, replacement, etc.) against any future claims arising due to alterations, encroachments or permits.

2. POLICY

Private alterations or encroachments can pose problems such as poor drainage, street obstructions and long term safety risks. They can also diminish Council's ability for good governance and increase liability risks for Council and the public.

This Policy will assist Council in responding to applications by third parties for alterations or encroachments, and establish a framework for Council management of alterations or encroachments that have been identified as having been established prior to any approval for such works being sought or granted.

Any person who alters a public road or uses a public road for a business purpose without obtaining Council permission may be guilty of an offence under section 221 or 222 of the *Local Government Act 1999 (the Act)*. In addition to removing any unauthorised encroachment or alteration to a road, Council reserves its right to prosecute the person(s) responsible for the unauthorised encroachment or alteration and/or in the case of the unauthorised use of a road for business purposes, to expiate the person for the offence.

Some encroachments on roads will be charged Council rates and must be addressed in any licence issued in respect of the encroachment and specify that the rates liability arises since the licensee, as an occupier of Council land is the principal ratepayer. Further consideration must be given to whether or not the land subject of such a license is contiguous with other land occupied by the licensee. If this is the case it is appropriate for only one rating assessment to be raised.

2.1 Identification of an Alteration or Encroachment

On identifying the existence of an alteration or encroachment it will be necessary for Council to determine whether the alteration or encroachment is of such a nature that it poses a risk to other users of the public street or road in which it is located.

Factors that must be taken into account by the Act in determining whether an alteration or encroachment poses a risk to the users of the public street or road include but are not limited to whether the structure will:

- a. Unduly obstruct the use of the road
- b. Unduly interfere with the construction of the road
- c. Have an adverse effect on road safety
- d. Any other factors council determines to take into consideration.

The above criteria will be formally documented in the assessment (approval or refusal) of any alteration or encroachment.

2.2 Alterations or Encroachments identified as a risk to the public

Where it is deemed that an alteration or encroachment is a risk to the public, the following principles will apply:

- a. The owner of the adjoining land or person responsible for any relevant alteration or encroachment will be advised that the alteration or encroachment must be removed within a specified time, at the adjoining owners' expense.
- b. If the alteration or encroachment is not removed within the specified time, action may be instigated to remove the structure or vegetation and Council may recover the costs of removal from the owner of the adjoining land or person responsible for any relevant alteration or encroachment. Action may include an Order being served on the adjoining land owner (refer to section 217 and 218 of the Act).

2.3 Alterations or Encroachments that do not pose a significant risk to the public

Where it is deemed that an alteration or encroachment does not pose a significant risk to the public, the following principles will apply:

- a. The alteration or encroachment may be required to be removed by Council or;
- b. A permit may be issued to the owner of the adjoining land or person responsible for any relevant alteration or encroachment, which allows the alteration or encroachment to remain on the public street or road (with conditions).

If Council determines that the alteration or encroachment should be removed, it will follow the principles as set out in this policy.

2.4 Classification of Alterations or Encroachments

All alterations or encroachments, for the purpose of this Policy, should be classified according to the following four types:

2.4.1. Type 1

Alterations or encroachments that are of a minor nature with low impact and are unlikely to result in a significant risk (financial or public liability) for Council, including (but not limited to):

- a. Standard in ground concrete (or otherwise surfaced) pedestrian access ways to premises (not driveways)
- b. Landscaped areas and gardens adjoining residential premises that do not hinder public use of the roadway for its intended purpose
- c. A verge garden that is planted and managed by one or more adjacent households and may include edible plants and produce.
- d. Hardstand areas up to one square metre
- e. Resident funded private parking bays (maximum of two car spaces) for residential purposes.

Rating

These types of alterations or encroachments are considered to be low in value and the Valuer-General would not allocate resources to facilitate the establishment of a separate valuation and therefore cannot be rated. Furthermore, these types of alterations or encroachments are not considered to have exclusive use of the verge areas so rating them is not appropriate.

2.4.2 Type 2

Alterations or encroachments that provide minor services to private properties, including:

- a. Crossing Places
- b. Stormwater pipe connections
- c. Underground electrical services.

These treatments are primarily for providing access and/or services to private properties and do not provide any exclusive use of the road or road verge area.

Rating

These types of alterations or encroachments are considered to be low in value and the Valuer-General would not allocate resources to facilitate the establishment of a separate valuation and therefore cannot be rated. Furthermore, these types of alterations or encroachments are not considered to have exclusive use of the verge areas so rating them is not appropriate.

2.4.3 Type 3

Alterations or encroachments that are of a significant nature which may result in a significant risk (financial or public risk) for Council, generate a significant benefit to the applicant, or restricts public access, including (but not limited to):

- a. Above ground access stairs or ramps
- b. Monitoring Bores for commercial purposes
- c. Hardstand areas of one (1) to five (5) square metres
- d. Handrails
- e. At ground level access stairs or ramps (i.e. stairs that follow the ground line or built into the ground) for the purpose of providing access into residential property
- f. Other alterations or encroachments that do not require approval under the Development Act 1993
- g. Retaining walls with a height not greater than 600mm and/or not more than 600mm encroachment onto the road or street.

It is noted that certain variables relating to each application are likely to require specific treatment in the consideration of any approvals. Such special treatment may include matters like (but not limited to):

- a. Permits for six (6) years or more are likely to require development approval and require a File Plan to be established under the approval process
- b. Business use permits cannot be for a period of five (5) years or more (section 222)
- c. Public consultation may be required before approval can be considered.

If approval is granted for such alterations or encroachments, the applicant must enter into a formal agreement with Council (drafted by Council's solicitors).

Rating

These types of alterations or encroachments are considered to be low in value and the Valuer-General may not allocate resources to facilitate the establishment of a separate valuation and therefore will not always be rated. If a separate valuation can be obtained and it is identified that they should be rated, as they, in a minor way, will detract from the amenity of the area.

Given that they are likely to attract a minimum rate that in many instances will be substantially greater than the annual licence fee, Council will rebate rates where possible to the effect that the annual Council rates will be no more than 50% of the annual licence fee.

2.4.4 Type 4

Alterations or encroachments that generate significant benefit to the applicant or remove public access, including (but not limited to):

- a. Fenced areas
- b. Hardstand areas greater than five (5) square metres, which may include parking for vehicles
- c. Alterations or encroachments that require approval under the Development Act 1993
- d. Private parking bays (more than two (2) car spaces) for commercial purposes, or for residential purposes (resident funded)
- e. Extensions of private businesses onto public roads that require alterations to the road
- f. Retaining walls 600mm (or greater than) in height.
- g. Verandahs, awnings and pergolas
- h. Under awning advertisements/ signs
- i. Architectural features and public art
- j. Other above ground encroachments.

Consideration should also be given as to whether an encroachment, while not necessarily posing a significant safety risk, may give rise to undesirable precedent to other locations

Residential property encroachments which in any way reduce public access to, or enjoyment of, Council land will generally not be allowed unless the encroachment is beneficial for public safety reasons.

If approval is granted for such alterations or encroachments, the applicant must enter into a formal agreement with Council (drafted by Council's solicitors).

Rating

Providing Council can obtain a separate valuation for the licenced area from the Valuer-General these applicants must be charged Council rates. Council will rebate rates where possible to the effect that the annual Council rates will be no greater than 75% of the annual licence fee.

2.5 Permits for Alterations or Encroachments

From time to time, Council may receive applications for alterations or encroachments from an adjoining land owner/occupier. Appropriate delegations will be established in order for Council to be able to consider applications and respond to them in accordance with this Policy in a timely and efficient manner.

2.6 General

Council may grant approval or permits for alterations or encroachments to adjoining landowners subject to the following general conditions:

1. The adjoining land owner/occupier must complete any required and relevant application forms (available from Council), and pay any relevant application fees in accordance with Council's Fees and Charges Register
2. In granting approval or permit for an alteration or encroachment, consideration will be given to its:
 - a. Extent
 - b. Location relative to the applicants property i.e. is it adjoining the applicants land
 - c. Type
 - d. Potential effect on pedestrian or vehicular access
 - e. Potential to generate a financial risk (e.g. maintenance, replacement etc.) or public liability risk for Council
 - f. Restriction of public space
 - g. Safety risk
 - h. Impact on amenity
3. Before the Council authorises the erection or installation of a structure on a road, Council must give consideration to whether the structure will:
 - a. Unduly obstruct the use of the road
 - b. Unduly interfere with the construction of the road
 - c. Have an adverse effect on road safety
 - d. and this must be evidenced in the appropriate approval documentation
4. Successful applicants must enter into an appropriate agreement with Council, depending on the type of alteration or encroachment
5. All work undertaken must comply with the sketch or plan submitted as a part of the application and meet all relevant standards
6. Work cannot commence prior to a permit or approval being issued
7. All costs associated with the installation and maintenance of the approved works will be borne by the applicant
8. The applicant must maintain all approved works in good condition
9. In the event of changes to property ownership, the responsibility for maintenance of any approved alteration or encroachment will be brought to the attention of the future owners of the property
10. All alterations or encroachments must be of a nature that can be demolished or removed if so required. All costs related to any instruction to demolish or remove an alteration or encroachment will be borne by the applicant
11. The applicant must obtain all necessary approvals prior to undertaking any work within road reserve. The cost of any such approvals is to be borne by the applicant
12. The permit holder agrees to indemnify and to keep indemnified Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the permit
13. If the permit holder wishes to alter the approved alteration or encroachment at any time, a new application will need to be made
14. Regardless on any condition of approval it is noted that from time to time Council or other service authorities responsible for public infrastructure, including, but not limited to, water

supply, effluent disposal, telecommunications, gas supply and electricity supply may need to work on the public land developed by the adjoining owner under approval by Council. These authorities may interfere with the approved work and have no legal obligation to reinstate the area

15. Council reserves the right to withdraw any approval or permit granted at any time. This could be required when the circumstances, relating to the land upon which the approval was related, changes
16. Any other condition deemed appropriate by the relevant Council delegate.

Information will be updated for approved authorisations and permits in Council's Road Authorisations and Permits Register.

2.7 Permits for Type 1 Alterations or Encroachments

The following conditions apply to permits for Type 1 Alterations or Encroachments (in addition to the conditions set out above):

Pursuant to section 221 of the Act, Council has the power to issue a permit which authorises the owner or occupier of any land abutting any public street or road to plant vegetation in the street or road (verge). Council will not issue such a permit unless it is satisfied that the proposed vegetation will not have an adverse effect on public safety and impact negatively on public infrastructure.

Council will not issue a permit pursuant to Section 221 of the Act in respect of any street or road that is maintained by the Commissioner of Highways unless the Commissioner gives written approval for the granting of the permit. The Commissioner of Highways may, at any time, revoke the approval and Council will be required to revoke the relevant permit.

Further considerations for vegetation related alterations include:

- a. Any proposed planting must not compromise the health of any existing street trees or other Council plantings
- b. Any landscape work must not have any raised hazardous edges or tripping hazards
- c. Trees and shrubs with potential large branches should not be planted close to fences or other infrastructure so as to cause future damage
- d. Plants should not be located as to create restricted lines of sight, which could be hazardous to pedestrians or motorists
- e. Corner properties may require special consideration for line of sight requirement
- f. An area (minimum width 1.5 metres from the kerb) to serve as a pedestrian refuge area is to be left clear for passengers to enter and exit from parked vehicles and for general pedestrian access. This area can be a rubbled surface, levelled grass or lawn, or sealed by paving, concrete or bitumen depending on the adjacent environment. Mulch, scoria or bark is not considered an appropriate treatment of this area
- g. It is recommended that prior to commencing any digging on the road verge area that underground service locations are identified. This can be achieved by contacting "Dial Before you Dig" on telephone number 1100 or their website at www.dialbeforeyoudig.com.au
- h. Any existing street tree must not be removed or pruned without approval
- i. Any plants, which become diseased or die, must be replaced by suitable species (excluding any vegetation that is considered to be a Regulated Tree under the Development Act 1993, which will require formal planning approval before work can commence)

- j. Any planted areas are to be kept free of weeds
- k. Any planted or improved areas must be kept free of produce on the ground to minimise slipping hazards and attraction of vermin
- l. Council may issue instructions relating to the management of planted verges in required by any relevant state government authority (e.g. fruit fly control, biosecurity issues, etc)
- m. Usage of chemicals and poisons on public areas must be limited to readily available retail products that are recommended for use with edible produce.
- n. Overhanging vegetation is to be maintained and is not to encroach into any walkways or road carriageway areas
- o. Any pavers used must be 60mm thick, made from concrete or clay and have a non-slip surface
- p. The pavers must be laid on a base of 100mm quarry rubble by a tradesperson who has adequate Public Liability insurance
- q. Any rubbled surface must be excavated to a depth of 100mm and replaced with compacted 7-20 mm dolomite or quartzite quarry rubble. All dust must be suppressed after compaction
- r. Parking of vehicles is not permitted on any paved, rubble or dolomite areas, unless approval has been granted to allow this activity
- s. Council retains all rights over the area to be landscaped and no reimbursement will be made for the removal of any plants or material if these have to be disturbed or removed in the future.
- t. Council will not undertake any policing where edible plants and produce, which are grown on the verge, are accessed by other person(s).
- u. New applications for plastic or artificial turf or grass will not be approved
- v. Private parking bays
 - i. Council may approve the construction of parking bays subject to the following conditions:
 - ii. The parking of a vehicle in the allocated parking bay does not impair sight distance on bends or intersections
 - iii. The approved parking bay is maintained at the applicant's expense in accordance with Council specifications (appropriate Australian Standards and Codes)
 - iv. Any parking bay on a road verge is available for public use and is not an exclusive parking bay for the permit holder.

2.8 Permits for Type 2 Alterations or Encroachments

The following conditions apply to permits for Type 2 Alterations or Encroachments (in addition to the conditions set out in the General heading).

Pursuant to section 221 of the Act, Council may grant to any person a permit to erect, change, alter, remove or install a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over a road or public street within its area.

Approval will be sought from the Department for Infrastructure and Transport (DIT) prior to Council issuing any approval for a licence on a main road under the authority of DIT under these classifications.

Prior to any approval being granted Council will consider and consult where necessary with any relevant authorities relating to the delivery of services including water, gas, electricity or telecommunication.

2.9 Crossing Places

Council may approve the construction of crossing places subject to the following conditions:

1. The construction of crossing places will meet the minimum requirements set out in Council's internal procedures. This document will be maintained to current standards by the relevant employees
2. Where the distance between the kerb and property boundary exceeds four (4) metres, the requirement for a hard surface crossing place in accordance with the specification may be reduced to the distance between the edge of the carriageway and the back of the footpath alignment
3. Where an existing crossing place is constructed with a compacted rubble or earth surface, the requirement for a hard surface crossing place in accordance with the specification will be enforced where:
 - a. Council inspection of the crossing place reveals that the condition exceeds the standard maintenance intervention levels for crossing places and exposes a public risk liability for Council and/or the property owner
 - b. The property owner, having been advised of the repairs required has failed to undertake such repairs or has subsequently failed to maintain the crossing place within the maintenance service levels stipulated
4. It will be the responsibility of the owner of the adjoining land to arrange for the removal of any redundant crossing places and accept all associated costs
5. Should development require a driveway or service connection to the street, designs will avoid or minimise impacts on existing trees that are to be retained in accordance with Council's Tree Management Policy
6. A crossing place will not be approved or installed within one (1) metre or 2.5 times the tree's diameter measured at one (1) metre above the natural ground level (whichever is greater) of any Council tree, unless essential to provide primary access
7. A crossing place will not be constructed or installed within one (1) metre of a stormwater side entry pit
8. If approval is granted for tree removal to allow a crossing place, the applicant is responsible for arranging the removal and all costs incurred.

2.10 Stormwater pipe (connection to kerb)

Council may approve the installation of stormwater pipes subject to the following conditions:

1. Stormwater will not be concentrated to discharge from the adjoining property across the surface of a verge, footpath or crossing place.
2. The installation of a stormwater pipe will meet the minimum requirements set out in Council's internal procedures. This document will be maintained to current standards by the relevant employees
3. It will be the responsibility of the owner of the adjoining land to arrange for the removal of any redundant stormwater pipes and accept all associated costs
4. Installation or maintenance of underground services beneath established trees will utilise work methods, which minimise root impacts.

2.11 Underground electrical services

Council will approve the installation of underground electrical services subject to the following conditions:

1. All new electrical services (from main supply to private property) are to be constructed underground. This will assist to improve the visual aesthetics of the City and enhance the development of tree growth over areas that previously may have been restricted due to the presence of overhead telecommunication lines
2. The electrical service will be installed in accordance with relevant engineering and electrical standards, including AS/NZS 3000:2007
3. Installation or maintenance of underground services beneath established trees will utilise work methods, which minimise root impacts.

2.12 Permits for Type 3 and 4 Alterations or Encroachments

The following conditions apply to permits for Type 3 and 4 Alterations or Encroachments (in addition to the conditions set out in the General heading):

1. Pursuant to section 221 of the Act, Council may grant to any person a permit to erect, change, alter, remove or install a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over a road or public street within its area.
2. Note: A permit under section 222 cannot be granted for a period exceeding five (5) years.
3. A permit issued in accordance with section 222 can require that the holder of the permit pay an annual fee and can include such other conditions as the Council thinks fit.
4. Approval will be sought from the DIT prior to Council issuing any approval for a licence on a main road under the authority of DIT under these classifications. Prior to any approval being granted Council will consider and consult where necessary with any relevant authorities relating to the delivery of services including water, gas, electricity or telecommunication.
5. Standard conditions must include at least the following:
6. Appropriate indemnity and insurance impositions to protect the interests of Council
7. If the fee is not paid or the conditions not met, Council will have the right to cancel the permit
8. Removal of the structure at the applicants cost at the end of the term
9. Consideration to whether the structure will:
 - a. Unduly obstruct the use of the road
 - b. Unduly interfere with the construction of the road
 - c. Have an adverse effect on road safety and this must be evidenced in the appropriate approval documentation.

2.13 Fees

Fees will be charged according to the following table:

| Type of Alteration or Encroachment | Applicable Annual Licence Fee |
|---|---|
| Type 1 | No application fee, or \$1 (if demanded) |
| Type 2 | Application fee in accordance with Council's Fees and Charges Register |
| Type 3 | Application fee for section 221 approval - Based on a valuation for the licensed land subject to a minimum amount as set out in Council's Fees and Charges Register. Annual renewal fee is equal to the application fee for any continuing use or s222 annual fee. |
| Type 4 | Application fee for section 221 approval - Based on a valuation for the licensed land subject to a minimum amount as set out in Council's Fees and Charges Register. Annual renewal fee is equal to the application fee for any continuing use or section 222 annual fee. |

2.14 Records management

All applications, approvals (with conditions) and refusals are required to be in writing and appropriately recorded in Council's records management system in accordance with Council's Records Management Policy and procedures.

All approvals are to be recorded in Council's property management system and reported on all property searches required under the *Land and Business (Sale and Conveyancing) Act 1994* in order for the alteration or encroachment and approval to be brought to the attention of any potential purchaser.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

Act

Local Government Act 1999

Alterations or Encroachments

Any structure or vegetation that extends into a public street or road or is positioned in a public street or road.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

City

The geographic area covered by the Council

Contiguous land

Under section 49 of the Local Government Act 1999, land will be regarded as being contiguous to other land if the land –

- a. Abuts on the other land at any point
- b. is separated from the other land only
 - i. a road, street, lane, footway, court, alley, railway or thoroughfare
 - ii. a watercourse or channel
 - iii. a reserve or other similar open space

Council

The elected member body or employees acting under delegation or authorisation.

Crossing Place

The section of land that connects a private driveway (from the property boundary) to the public carriageway.

DIT

Department for Infrastructure and Transport

Permits

For the purpose of interpretation of this Policy the terms “permits”, “licence” and “authorisation” will have the same meaning.

Public Street or Road

The road, for the purpose of this Policy, includes the road carriageway, the road shoulder, the kerb and water table, footpath or other similar paths and verge areas.

Regulated Tree

According to the Development Act 1993, this means trees within a designated area as prescribed within regulation 6A(3) and that have:

- a. a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and;
- b. an average circumference of 625 millimetres or more, measured at a point one(1) metre above natural ground level, but does not apply to those trees listed within regulation 6A(5) or the exemptions listed within Schedule 3 of the Development Regulations.

Vegetation

Any species of plant or plants (including all trees and vines), whether alive or dead.

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

[Land and Business \(Sale and Conveyancing\) Act 1994](#)

Sections 7 and 12 outlines what information needs to be provided to purchasers and applicants.

[Local Government Act 1999](#)

Section 188(1)(f) of this Act provides for Council to impose fees and charges in relation to the granting of permits.

Section 217 of this Act provides that Council may, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, require the owner:

- a. To carry out specified work by way of maintenance or repair
- b. To move the structure or equipment in order to allow the Council to carry out roadwork.

Section 218 of this Act provides that Council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a Crossing Place from the road to the land.

Pursuant to Section 221 of this Act, a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by Council.

Section 221(5) of this Act states that Council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under section 221(2)(b).

Section 222 of this Act provides that Council can issue a permit for the use of a road for business purposes for periods of up to 5 years.

Section 223 of this Act provides that under certain circumstances Council must undertake public consultation prior to issuing a permit under section 221 or 222 in certain circumstances.

Before the authorisation for the installation of a structure on a road is granted, Council must give consideration to whether the structure will:

- a. Unduly obstruct the use of the road
- b. Unduly interfere with the construction of the road
- c. Have an adverse effect on road safety.

Section 225 of this Act states that Council may, by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition with appropriate consultation with the holder.

Prior to Council planting vegetation or authorising or permitting the planting of vegetation on a road, section 232 of this Act requires Council to consider the following:

1. Whether the vegetation is appropriate to the proposed site, taking into account:
 - a. Environment and aesthetic issues
 - b. The use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road)
 - c. Road safety matters
 - d. Other matters (if any) considered relevant by Council
2. If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, follow the relevant steps set out in Council's Community Engagement (Public Consultation) Policy.

Section 234 of this Act states that Council may remove and dispose of any structure, object or substance from a road if it has been erected, placed or deposited on the road without the authorisation or permit required; the authorisation or permit has been granted but has expired or been cancelled.

This may include unauthorised encroachments from a public road.

[Development Act 1993](#)

Section 33 of this Act requires Council as an approving authority to deal with alterations or encroachments over public land places in a satisfactory manner.

[Telecommunications Act 1997 \(Cth\)](#)

Schedule 3 of this Act provides carriers with powers to enter land to inspect land, maintain facilities and install certain types of facilities, and immunity from some state and territory laws, including planning laws, when carrying out those activities. This Act requires for carriers to pay compensation for financial loss or damage that occurs as a result of the use of powers and immunities in the event that they were to exercise their powers under the act.

4.1 Other references

Council's documents including:

- a. Application to Construct, Remove or Repair a Crossing Place, Stormwater Pipe & Connection to Kerb (Form)
- b. Application to Install an Underground Electrical Service within a Council Road (Form)
- c. Permit to Landscape a Road Verge within a Council Road (Form)
- d. By-Law No.2 – Roads, addresses alterations and encroachments over public streets and roads
- e. Fees and Charges Register
- f. Guideline for the Approval of an Underground Electrical Service Installation
- g. Records Management Policy and Procedures
- h. Tree Management Policy

Forms are available from Council's website: www.cttg.sa.gov.au

External documents including:

- a. AS/NZS 3000:2007 - Electrical installations (known as the Australian/New Zealand Wiring Rules)

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council’s Strategic Plan 2025 are the most relevant to this report:

| Objective | Comments |
|---|---|
| Community | |
| <i>People feel a sense of belonging, inclusion and connection with the City and the community</i> | Landscapes and verge gardens enhance the visual appeal of a property and may create a sense of inclusion and connection with the community. |
| Environment | |
| <i>We are resilient to climate change and equipped to manage the impact of extreme weather events</i> | The greening of verges help reduce the heat island effect |
| Places | |
| <i>Streets, paths, open spaces and parks are appealing, safe and accessible</i> | The approval process ensures road alterations do not unduly obstruct the road and maintain safe access for all road users. The greening of verges will complement the appeal and mobility around our City. |
| <i>Infrastructure and community facilities are fit for purpose, constructed using sustainable practices and well maintained</i> | |

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of organisational excellence. The themes most relevant to this report are: Customer Care; ; Future Capability; Sustainable Operations.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council’s scheme of delegations.