

City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Reinstatement of Council Infrastructure by Public Utilities

POLICY MANUAL: Service

BACKGROUND

The Council has a responsibility to maintain Council roads and associated infrastructure within the City. The Council acknowledges that public utilities (like SAPN, SA Water, Gas providers and Telstra) will from time to time, need to undertake works on Council roads and footpaths in order to access, install and repair infrastructure for the provision of essential services such as water, electricity and telecommunications. In many cases, the infrastructure for these services is located over and underneath Council roads and footpaths.

In undertaking these works, public utilities may cause damage to Council-owned infrastructure. This Policy provides for the rectification of damage and the reinstatement of Council infrastructure by public utilities in accordance with the Council's specifications. The Policy also reflects the legislative obligations on public utilities in relation to providing prior notice and obtaining the Council's agreement to the proposed works.

This Policy does not apply to works undertaken by public utilities on public roads within the City that are under the care and control of the Department for Planning, Transport and Infrastructure.

DISCUSSION

Historically, metropolitan Councils charged the various public utilities for the reinstatement of roads and footpaths in accordance with the standard rates and charges which were adopted by the Local Government Metropolitan Chief Executive Officers' Association. As the majority of public utilities have now outsourced this work, reinstatement works are generally undertaken by the contractors engaged by the respective utilities. These contractors are bound by the same legislative obligations as the public utilities in relation to rectification of damage and reinstatement of Council infrastructure.

KEY PRINCIPLES

- To provide safe, high quality infrastructure for residents throughout the City.
- To provide for cost-neutral reinstatement of Council-owned public infrastructure where damaged by third parties.

DEFINITIONS

Public Utility means an entity (whether publicly or privately owned) which provides water, sewerage, drainage, gas, electricity, telephone, telecommunication or other like services under the authority of State or Commonwealth legislation, and includes any person or entity contracted by the Public Utility for the purpose of carrying out Works.

Council Infrastructure means a public road and any Council-owned property associated with or affixed to the public road (including, without limitation, footpath, kerb, water table, crossovers, paving, drainage infrastructure, pipes, cables, street furniture, trees and vegetation).

Public Road has the same definition as set out the *Local Government Act 1999*:

- (a) any road or land that was, immediately before the commencement of this Act, a public street or road under the repealed Act; or
- (b) any road—
 - (i) that is vested in a council under this or another Act; or
 - (ii) that is placed under a council's care, control and management as a public road after the commencement of this Act, but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or
- (c) any road or land owned by a council, or transferred or surrendered to a council, and which, subject to this Act, is declared by the council to be a public road; or
- (d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office or the General Registry Office and which is declared by the council to be a public road; or
- (e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a lease granted by the Crown,

(and includes any such road that is within the boundaries of a public square).

Works includes any kind of activity conducted in connection with the installation, construction, maintenance, repair or removal of any infrastructure in, on, under or over a public road, including (without limitation):

- excavation or breaking up the surface of the road;
- erecting a structure in, on or over a road;
- removing or interfering with any structure or marking on a road;
- tunnelling under a road; and
- installation of pipes, drains, cables, poles or other structures on a road.

Policy

Where a Public Utility (including its contractor(s)) undertakes Works on, over, under or in the vicinity of Council Infrastructure:

- where required by law, the Public Utility must notify the Council of the Utility's intention to carry out the proposed Works and secure the Council's agreement to the carrying out of the Works prior to undertaking the Works;

Note: refer to the requirements in the *Electricity Act 1996* Section 47(3)-(6), *Gas Act 1997* Section 47(3)-(6), *Water Industry Act 2012* Sections 45(3)-(6), 45(23) and *Telecommunications Act 1997* Schedule 3 Clauses 5-7, 17. In some circumstances, only prior notice may be required, both notice and agreement may be required, or neither may be required. SA Water is not required to secure an authority's agreement prior to carrying out proposed Works.

- the Public Utility must take all reasonable steps to undertake the Works with as little detriment and inconvenience to the community as practicable and in a manner which protects public safety (including, where required, the preparation and implementation of a Traffic Management Plan);
- the Public Utility will be required at their cost, to make good any damage caused to the Council Infrastructure in connection with the Works as soon as practicable; and

Note: refer to the *Electricity Act 1996* Section 47(13), *Gas Act 1997* Section 47(13), *Water Industry Act 2012* Section 45(17) and *Telecommunications Act 1997* Schedule 3 Clauses 9, 42.

- where Council agreement to the Works is required by law, as a standard condition of this agreement the Public Utility must reinstate the Council Infrastructure to the condition it was in immediately prior to the Works being undertaken and in accordance with the Council's specifications as attached to this Policy, or as otherwise agreed between the parties) (Reinstatement Works) within fourteen (14) days of completion of the Works.

Note: refer to the 'public interest' requirement for conditions of Council agreement in the *Electricity Act 1996* Section 47(4), *Gas Act 1997* Section 47(4) and the *Water Industry Act 2012* Section 45(5).

Where a Public Utility or its contractor(s) fails to make good damage caused to Council Infrastructure (or to complete Reinstatement Works in accordance with the Council's specifications where required), the Council may pursue civil action against the Public Utility and seek damages and compensation to make good the damage caused to the Council Infrastructure.

The Council may elect to undertake the required reinstatement works at its own cost and recover the cost of doing so as a debt from the Public Utility pursuant to Section 213 of the *Local Government Act 1999*.

Pre-Existing Damage

It is the responsibility of the Public Utility to conduct an inspection of the Council infrastructure prior to commencing works, in order to identify and record the condition of the Council infrastructure, including any pre-existing damage (Pre-Existing Damage).

The Public Utility must notify the Council prior to works commencing of any Pre-Existing Damage, as this Pre-Existing Damage will otherwise be included as part of the Reinstatement Works required under this Policy.

Other Statutory Requirements

This Policy does not remove the requirement for a Public Utility to obtain all required authorisations, approvals and/or permits from the Council or other relevant authorities (including the Department for Planning, Transport and Infrastructure) with respect to the carrying out of the Works on Public Road.

A Public Utility must comply at all times with all relevant statutory requirements with respect to the carrying out of works on Public Road, including (without limitation) under the *Road Traffic Act 1961*, *Electricity Act 1996*, *Gas Act 1997*, *Water Industry Act 2012* and *Telecommunications Act 1997* (Cth).

Council Contact Details

Notification of proposed Works on Council Infrastructure by a Public Utility must be provided to the Council's City Services Department via:

Email: townhall@npsp.sa.gov.au

Phone: 08 8366 4555

REVIEW PROCESS

The Council will review this Policy within three (3) years of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, City Services, telephone 8360 9007.

ADOPTION OF THE POLICY

This Policy was adopted by the Council on 3 June 2019.

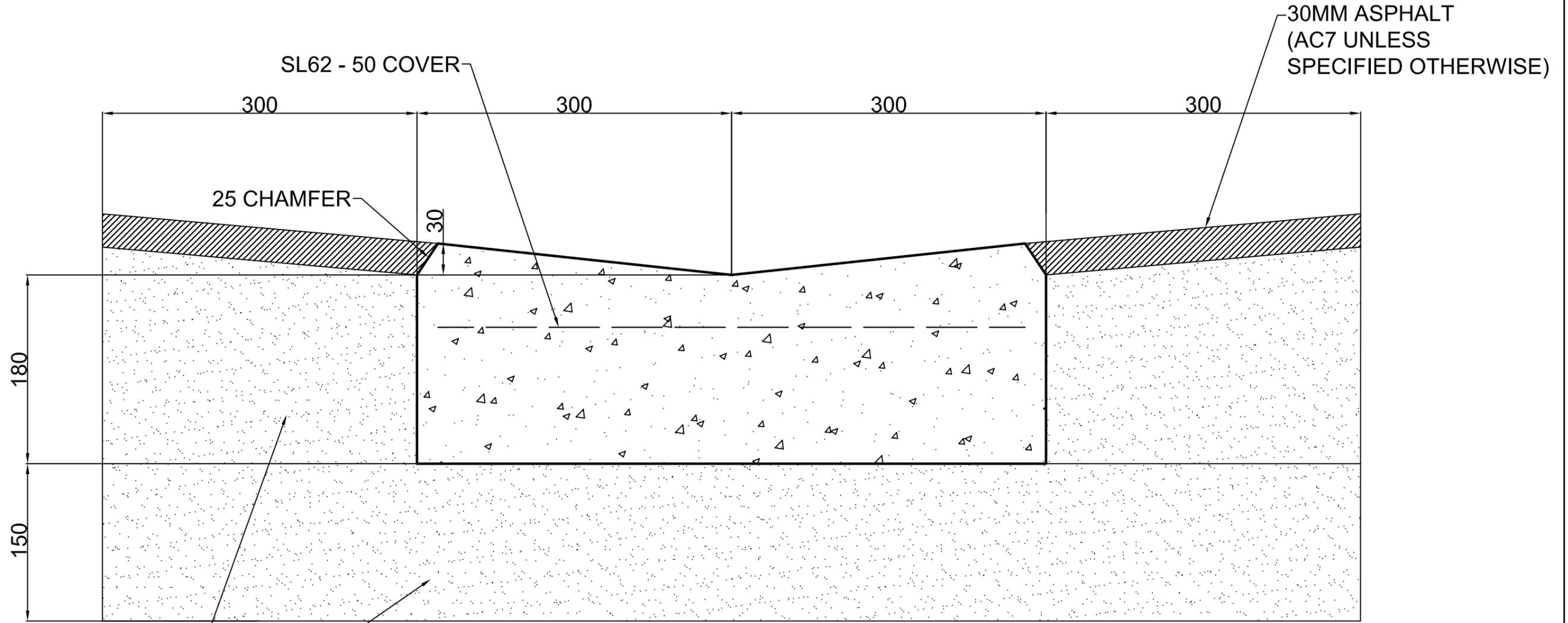
This Policy was reviewed and adopted by the Council on 7 September 2020.

TO BE REVIEWED

September 2023

ATTACHMENT A

STANDARD SPECIFICATIONS FOR THE REINSTATEMENT OF COUNCIL INFRASTRUCTURE



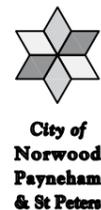
600 SPOON DRAIN

NOT TO SCALE

PM2/20 (QG)
SUB BASE MATERIAL

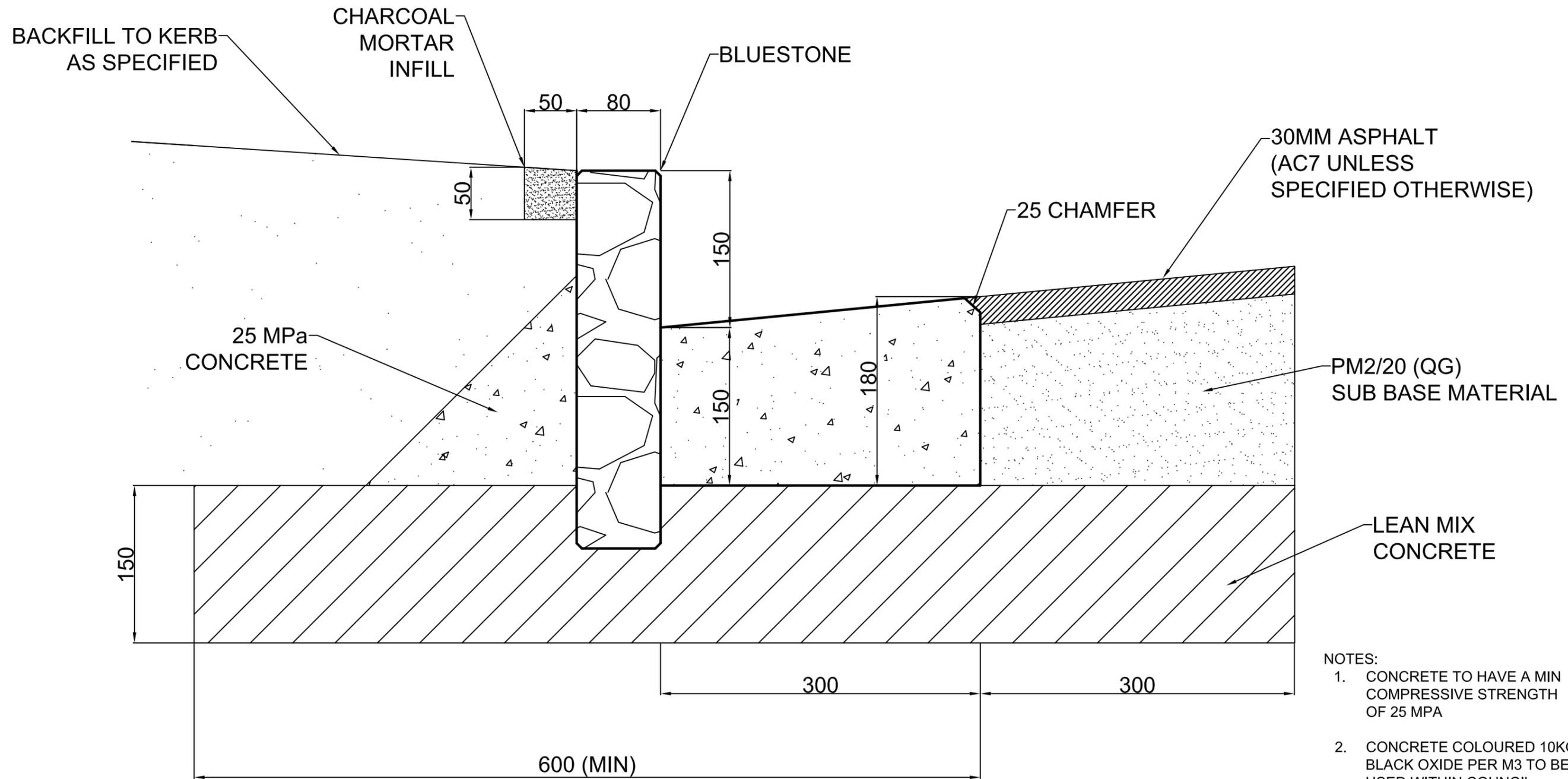
NOTES:

1. CONCRETE TO HAVE A MIN COMPRESSIVE STRENGTH OF 25 MPA
2. PORTLAND GREY CONCRETE TO BE USED WITHIN COUNCIL GENERAL ZONING
3. SUB BASE PM2/20 (QG) MATERIAL SHALL BE COMPACTED TO MIN 98% MMDD AS PER AS1289 5.2.1



Drawing Title	600 SPOON DRAIN	
Notes	Application: Residential	
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Drawing No.	SD01		
Scale @ A3	As shown		
REV	DESCRIPTION	DRAWN	DATE
A	STANDARD DETAIL	MM	30.10.19

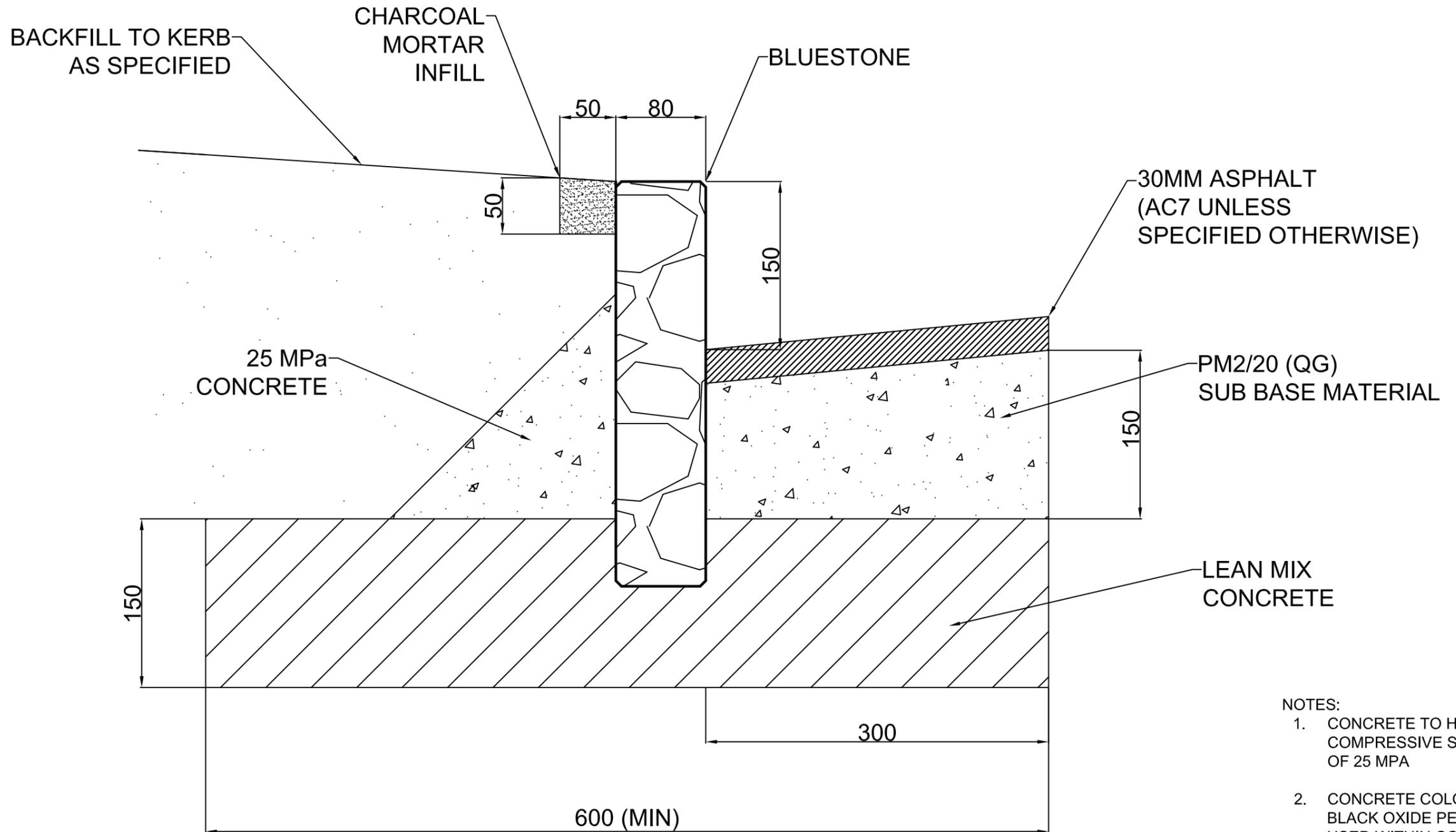


150 BLUESTONE KERB & WATERTABLE

NOT TO SCALE

- NOTES:
1. CONCRETE TO HAVE A MIN COMPRESSIVE STRENGTH OF 25 MPA
 2. CONCRETE COLOURED 10KG BLACK OXIDE PER M3 TO BE USED WITHIN COUNCIL HERITAGE ZONING
 3. ALL MORTAR INFILL TO BE CHARCOAL COLOURED
 2. SUB BASE PM2/20 (QG) MATERIAL SHALL BE COMPACTED TO MIN 98% MMDD AS PER AS1289 5.2.1

Plot Date: 12 November 2019 - 3:52 PM Cad File No: \\svrfs\users\MM\shos\Documents\Standard Details\SD03 - 150 Bluestone Kerb & Watertable.dwg				Drawing Title 150 BLUESTONE KERB & WATERTABLE	Drawing No. SD03	REV A	DESCRIPTION STANDARD DETAIL	DRAWN MM	DATE 30.10.19
				Notes Application: Residential	Drawing Set	Scale @ A3 As shown	© COPYRIGHT This drawing has been produced by the City of Norwood Payneham & St Peters and shall not be copied without written consent of an authorised Council officer.		



NOTES:

1. CONCRETE TO HAVE A MIN COMPRESSIVE STRENGTH OF 25 MPA
2. CONCRETE COLOURED 10KG BLACK OXIDE PER M3 TO BE USED WITHIN COUNCIL HERITAGE ZONING
3. ALL MORTAR INFILL TO BE CHARCOAL COLOURED
2. SUB BASE PM2/20 (QG) MATERIAL SHALL BE COMPACTED TO MIN 98% MMDD AS PER AS1289 5.2.1

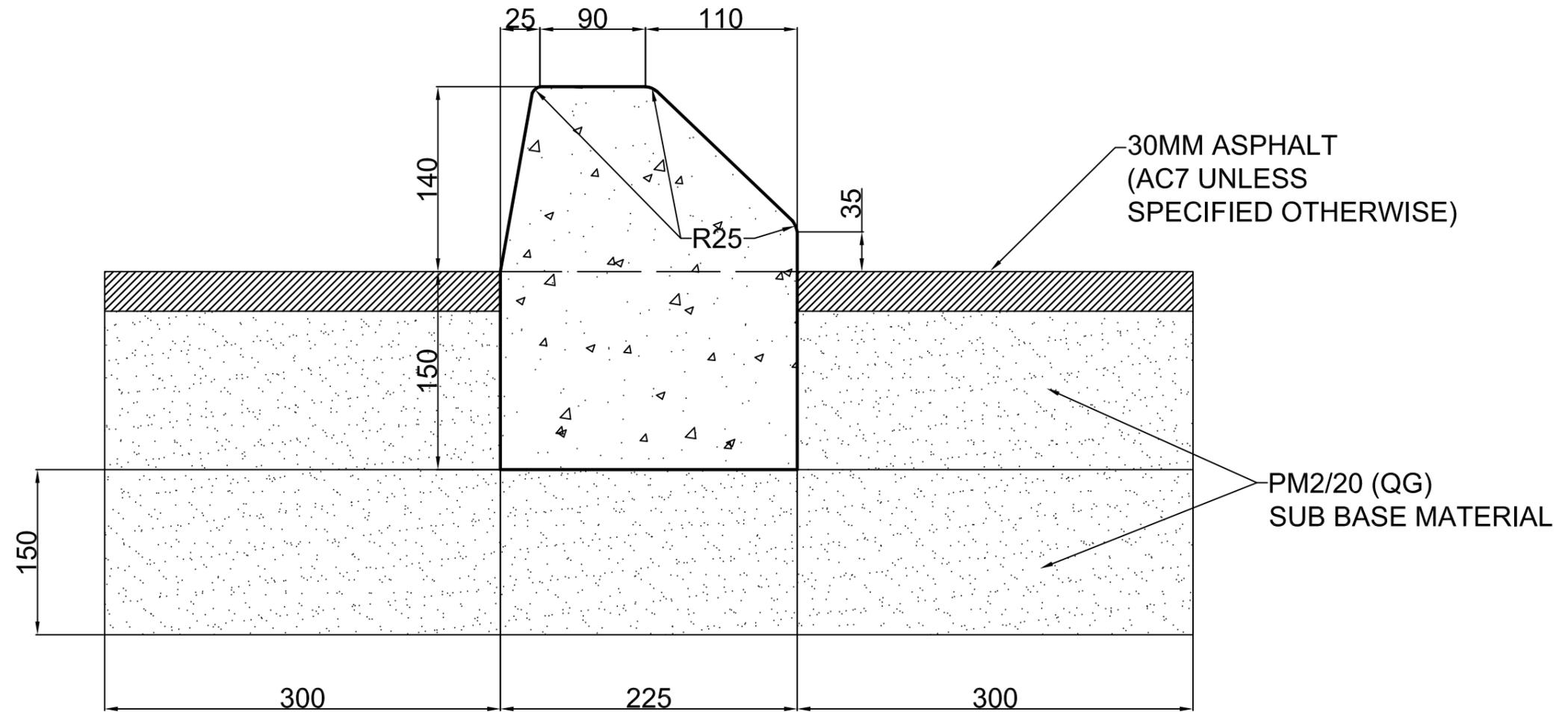
150 BLUESTONE KERB

NOT TO SCALE



City of
Norwood
Payneham
& St Peters

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			As shown				

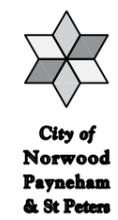
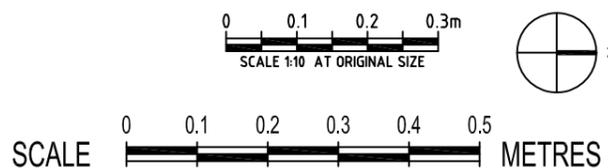


MEDIAN KERB

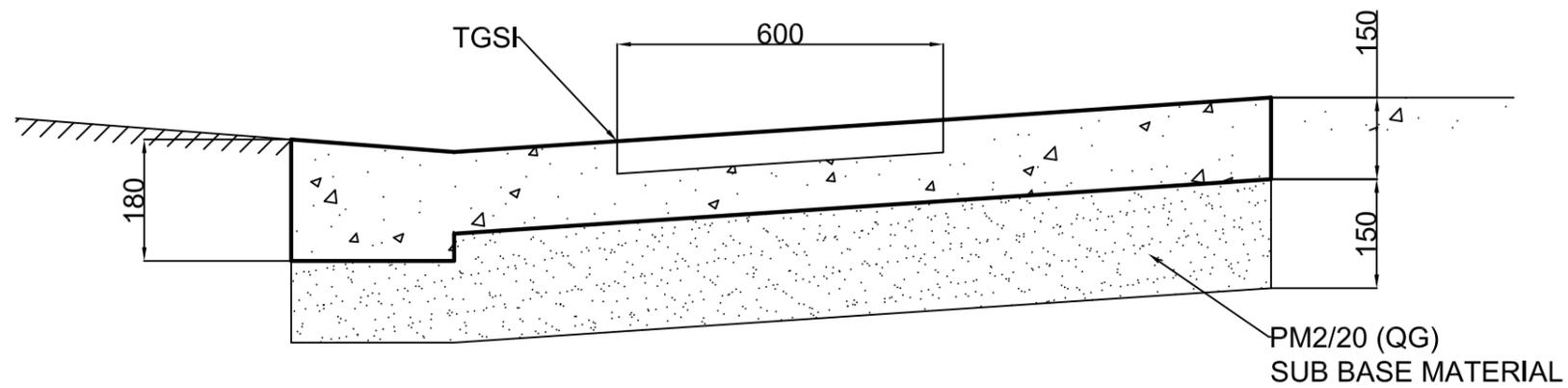
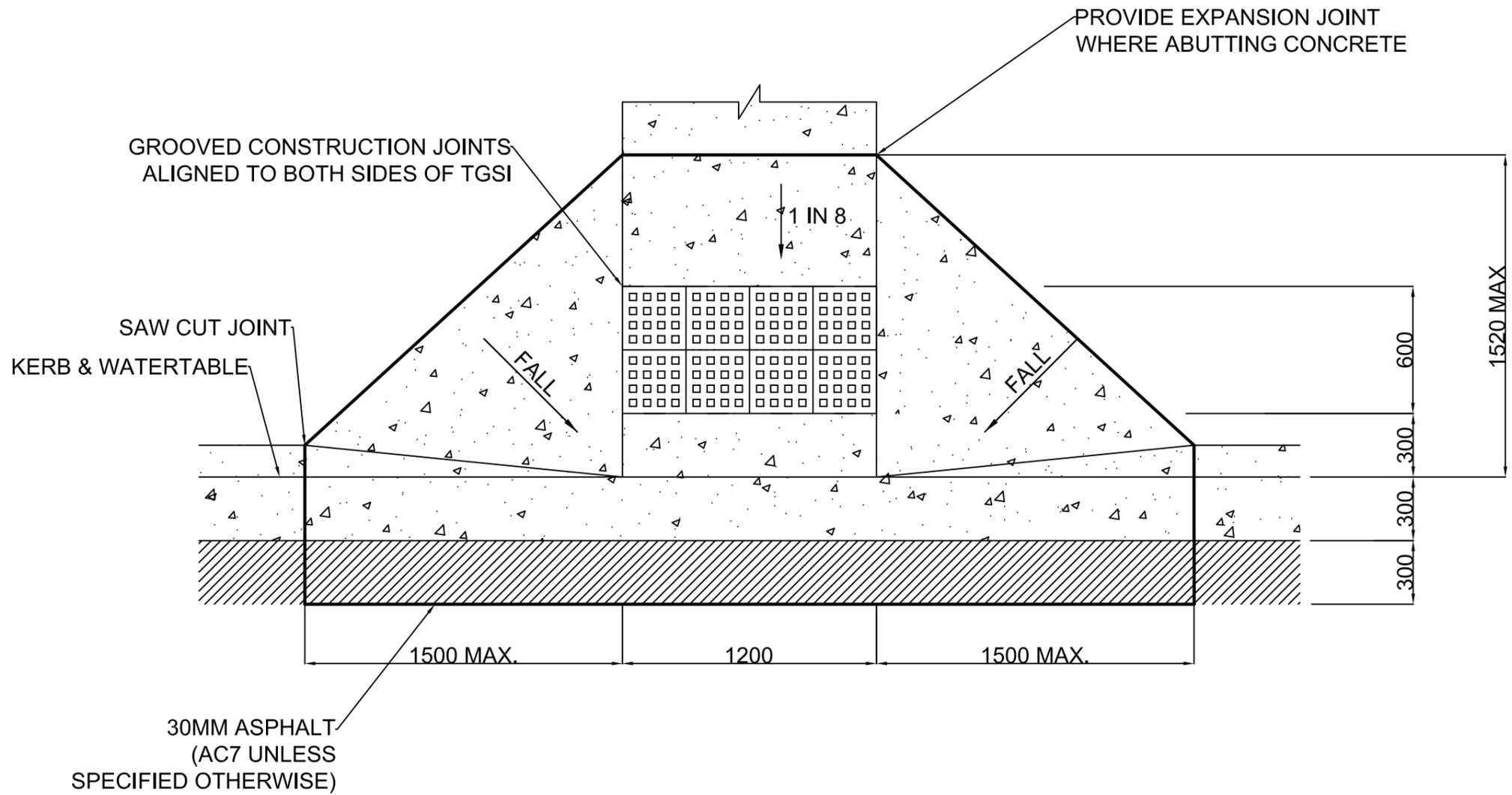
NOT TO SCALE

NOTES:

1. CONCRETE TO HAVE A MIN COMPRESSIVE STRENGTH OF 25 MPA
2. PORTLAND GREY CONCRETE TO BE USED WITHIN COUNCIL GENERAL ZONING
3. SUB BASE PM2/20 (QG) MATERIAL SHALL BE COMPACTED TO MIN 98% MMDD AS PER AS1289 5.2.1



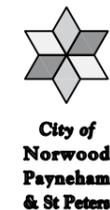
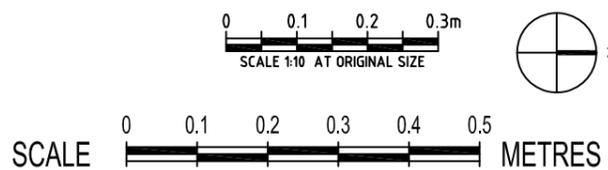
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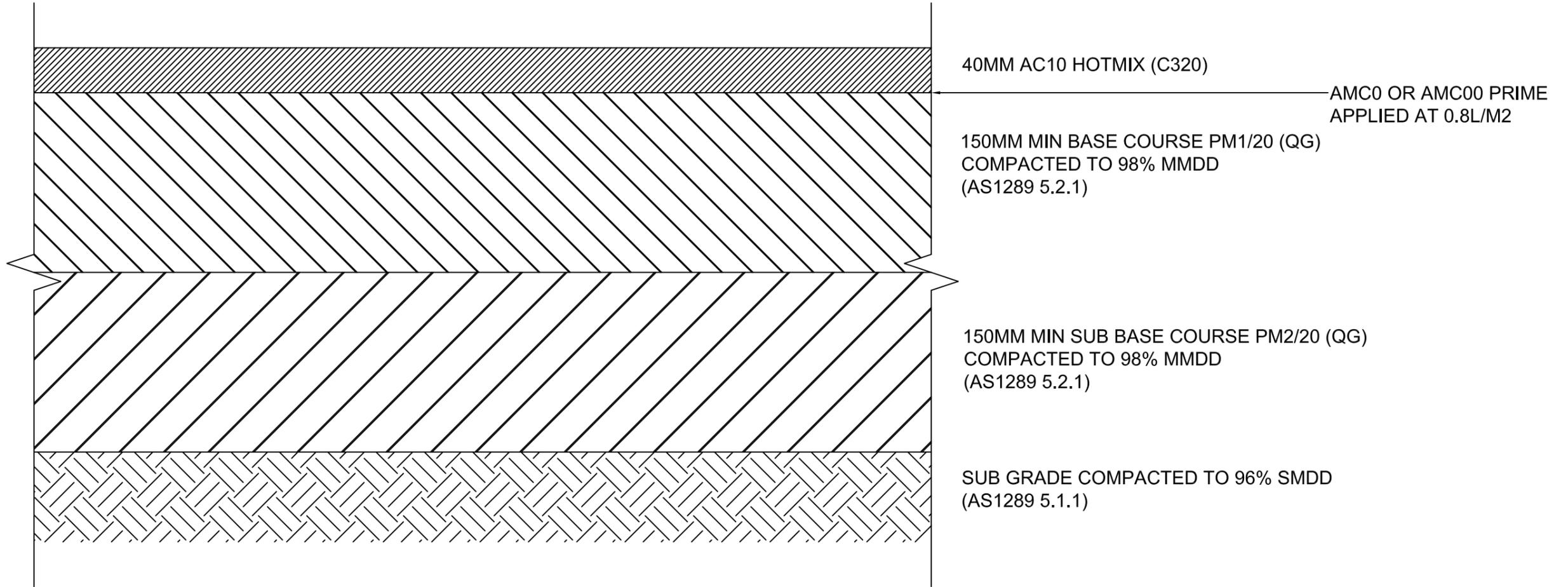
PRAM RAMP

NOT TO SCALE

- NOTES:
1. RAMPS TO BE LOCATED AND ALIGNED TO THE DIRECTION OF TRAVEL
 2. PROVIDE LIGHT BROOM FINISH TO CONCRETE SURFACES AT RIGHT ANGLES TO FALL & DIRECTION OF TRAVEL WITH TOOLED EDGES AND JOINTS
 3. RAMPS LOCATED WITHIN COUNCIL HERITAGE ZONING:
- CONCRETE COLOURED 10KG BLACK OXIDE PER M3
- IVORY COLOURED TGS'S (UNLESS SPECIFIED OTHERWISE)
 4. RAMPS LOCATED WITHIN COUNCIL GENERAL ZONING:
- PORTLAND GREY CONCRETE
- CHARCOAL COLOURED TGS'S (UNLESS SPECIFIED OTHERWISE)
 5. SUB BASE PM2/20 (QG) MATERIAL SHALL BE COMPACTED TO MIN 98% MMDD AS PER AS1289 5.2.1

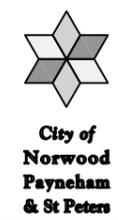
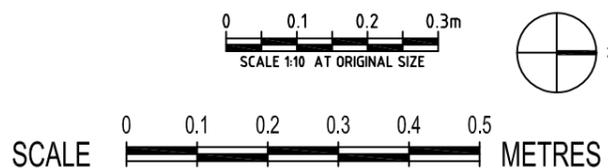


Drawing Title		PRAM RAM		Drawing No.		SD07	
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REV	DESCRIPTION	DRAWN	DATE				
A	STANDARD DETAIL	MM	30.10.19				

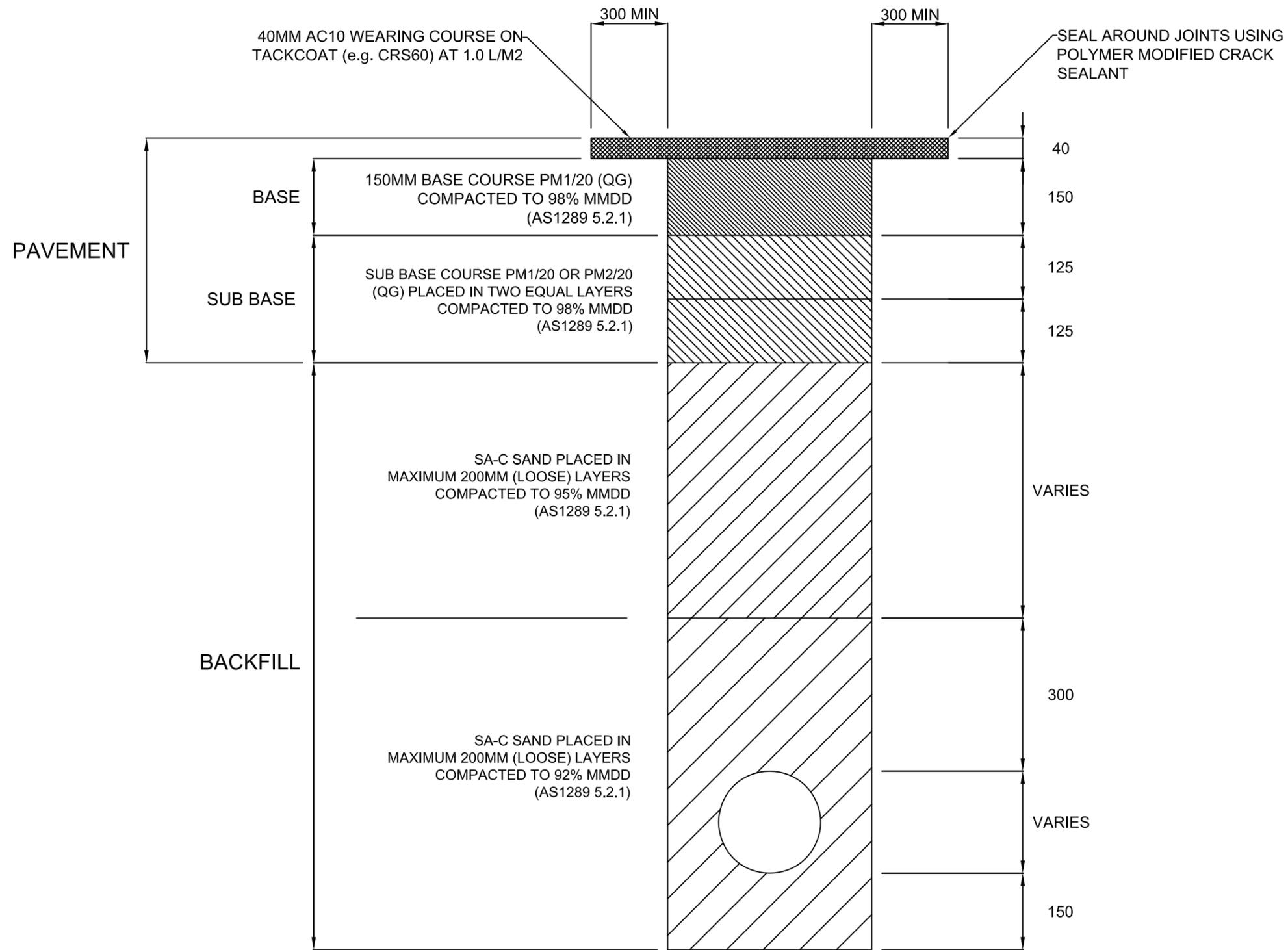


PAVEMENT RECONSTRUCTION

NOT TO SCALE



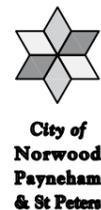
Drawing Title Pavement Reconstruction	Drawing No. SD08	REV	DESCRIPTION	DRAWN	DATE
		A	STANDARD DETAIL	MM	30.10.19
Notes Application: Residential	Drawing Set				
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SERVICE TRENCH REINSTATEMENT COUNCIL ROADS

NOT TO SCALE

- NOTES:
- WEARING COURSE FINISHED LEVELS TO MATCH EXISTING TOLERANCE (+5MM, -0MM)
 - TRENCH REINSTATEMENT DETAIL FOR LOCAL COUNCIL ROADS ONLY FOR HEAVY VEHICLE TRAFFIC ROUTES CONTACT COUNCIL PRIOR TO EXCAVATION



Drawing Title
SERVICE TRENCH REINSTATEMENT

Drawing No.
SD09

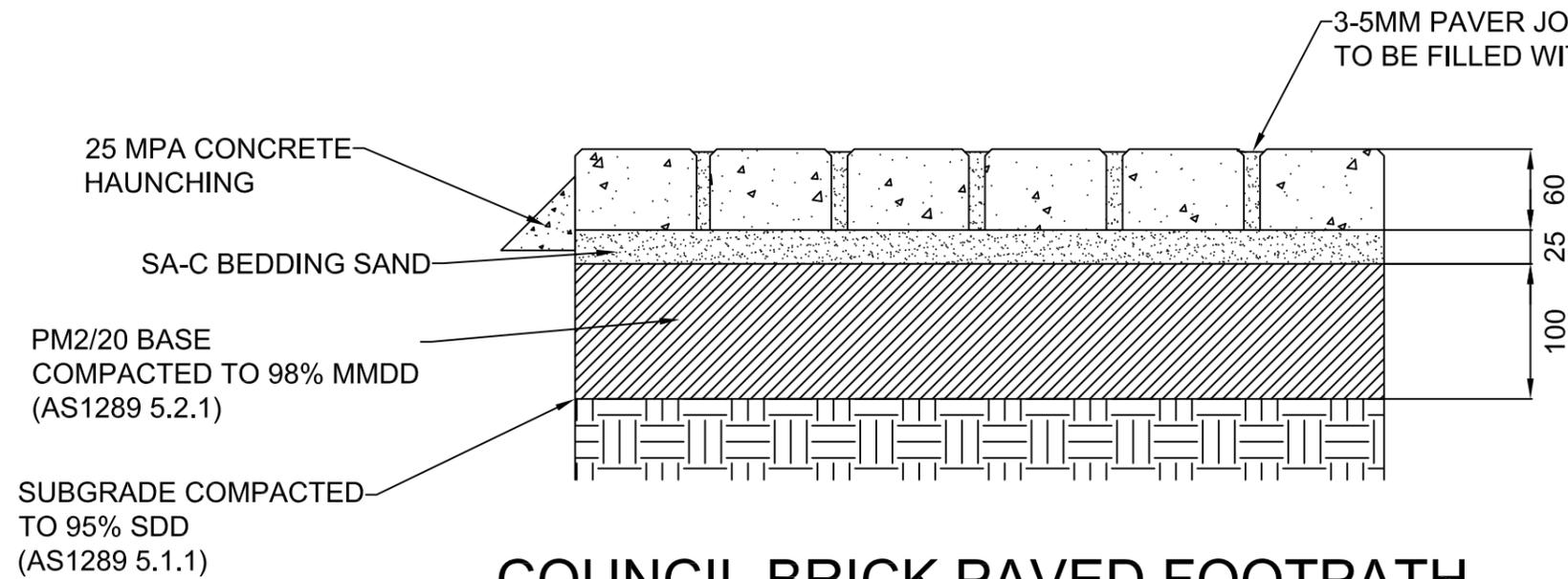
Notes
Application:
Residential

Drawing Set

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Scale @ A3
As shown

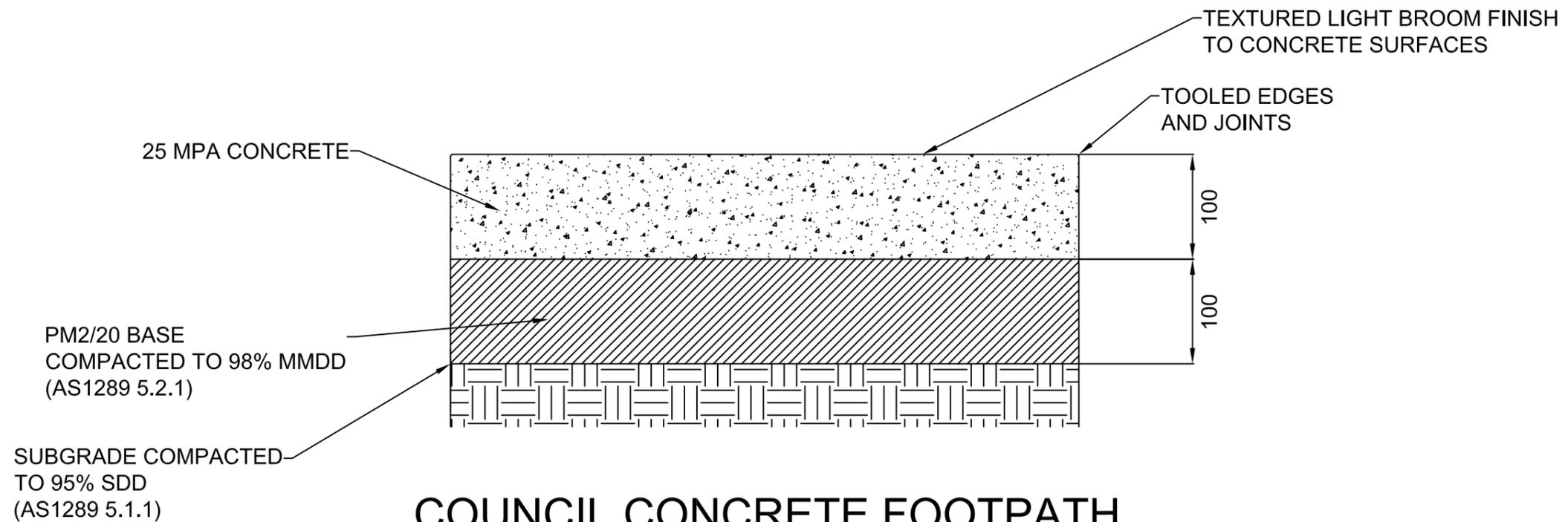
REV	DESCRIPTION	DRAWN	DATE
A	STANDARD DETAIL	MM	11.08.20



- NOTES:
- 60MM ADBRI HOLLANDSTONE PORTBLEND BRICK PAVERS (OR APPROVED EQUIVALENT) TO BE USED IN PEDESTRIAN FOOTPATH AREAS
 - 80MM ADBRI HOLLANDSTONE PORTBLEND BRICK PAVERS (OR APPROVED EQUIVALENT) TO BE USED IN TRAFFICABLE FOOTPATH AREAS

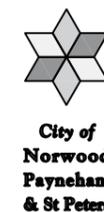
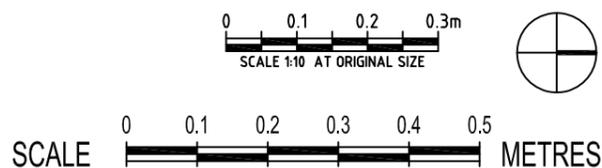
COUNCIL BRICK PAVED FOOTPATH

NOT TO SCALE



COUNCIL CONCRETE FOOTPATH

NOT TO SCALE



Drawing Title	COUNCIL FOOTPATH	Drawing No.	SD10	REV	DESCRIPTION	DRAWN	DATE
Notes	Application: Residential	Drawing Set		A	STANDARD DETAIL	MM	14.08.20
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			As shown				