

# Road Maintenance Policy

## PLACES

### WE HAVE SAFE, MAINTAINED AND EFFECTIVE ASSETS AND INFRASTRUCTURE

Adoption Date:	11 December 2019
Council Reference:	MN569/19
Policy Owner:	Manager Assets
Next review date:	11 December 2023
File Reference:	7810/30
Related Policies/Legislation:	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Roads Act 1993</i> <i>Civil Liability Act 2002</i>
Related Documents:	Road Maintenance Procedure
Superseded Policy/GM Practice Note:	Unmaintained Road Policy No 3.51

## OBJECTIVES

The objectives of this Policy are to:

- ensure a framework for the risk management of Council's road network is developed;
- reduce exposure to potential public liability claims relating to the condition of roads, including claims against Council and the community it represents;
- establish a criteria and hierarchy of roads;
- ensure a defined level of service and treatment options for roads based on their hierarchy and condition is developed;
- ensure a systematic approach is established for the inspection, prioritisation and response to risks;
- promote awareness of legislative requirements with respect to acceptance by the community and the Court, of the shared duty of care for road users to take reasonable care for their own safety when using the road network;
- facilitate safer local and regional roads.

## POLICY STATEMENT

Wingecarribee Shire Council, as the roads authority under the *Roads Act 1993*, must take reasonable steps to protect the public from any foreseeable dangers on its road network, as resources allow, to adequately address risks of which it is aware.



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The *Civil Liability Act 2002* (the Act) provides special nonfeasance protection for roads authorities such as Council. Section 45 of the Act stipulates that a roads authority is not liable for harm arising from a failure to act in respect of maintenance of its roads, unless at the time of the alleged failure the authority had actual knowledge of the particular risk which resulted in the harm. The importance of this defence is that a roads authority, such as Council, can in some circumstances avoid liability for injuries or damage related to the state of repair or maintenance of its roads.

Section 42 of the Act also makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its road network.

## SCOPE

This Policy considers all residents and guests in the Shire, who utilise the roads as a means of transportation. This includes motorists, cyclists and pedestrians.

The Road Maintenance Policy provides Council the ability to undertake works on all Council roads and strengthens Council's defence against civil liability claims ultimately reducing risks to Council and the community. The Policy applies to all Council-managed road infrastructure within the Shire. The Policy excludes Crown Roads and Roads and Maritime Services-managed roads.

## Management System and Risk Assessments

All Council roads are to be managed according to the Policy and Council develops and implements a systematic and documented approach for reducing risks associated with maintenance of sealed and unsealed roads.

The Management System includes:

- Maintaining the roads maintenance category and roads functional hierarchy,
- Assessing the condition of roads through routine, planned and reactive condition inspections,
- Identifying and evaluating risks associated with the condition of road,
- Risk assessments associated with lower order roads will be safety and access-focused, not ride quality,
- Prioritising and scheduling maintenance works within available resources,
- Implementing suitable treatments to rectify defects and minimise risks,
- Development and implementation of a long-term capital works program,
- Reference to relevant standards and specifications.

The Management System does not intend to, nor is it reasonable to expect that it will, result in removal of all potential risks to road users from the road network. Rather, it provides a



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basis for identifying and managing long-term plans within the limited resources available to the Council and a mechanism to prioritise and improve levels of service.

## DEFINITIONS

Maintained Road	A road that is included in Council's Road Register and maintained by Council.
Lower order Roads	A road that does not have gravel paving, but which is formed using a grader so that storm water will drain off laterally and/or a road with no geometry that has been cleared and open to use by the public.
Maintenance	Physical works to maintain the asset without increase in the service potential.
Routine Maintenance	Maintenance which occurs based on a scheduled time period or date. The difference in routine maintenance periods occur based on road functional hierarchy.
Road Functional Hierarchy	A class or division of roads which have been grouped together based on their traffic, current use, requirement and location. The categories are placed into a hierarchy from one to eight and define the maintenance required for each road type.
Management System	A systematic and documented approach for reducing risks associated with road infrastructure.
Road Maintenance Category	Road maintenance category lists the applicable road maintenance treatment for every road, or section of road, to which this policy applies.
Reactive Maintenance	Reactive maintenance is the response to work requests or identified need usually through operations or customer requests.

## RESPONSIBILITIES

Responsibilities for implementing this Policy are shared between Councillors, Executive and staff as follows:

Position	Responsibility
Mayor/ Councillors	To lead Councillors in their understanding of, and compliance with, this Policy.
Executive	To implement this Policy and related procedures; To lead staff in their understanding of, and compliance with this Policy.
Responsible Officer	Managers at all levels are responsible for the implementation and maintenance of the policy.
All Council Staff	To comply with this Policy and related procedures.

## PERFORMANCE MEASURES

The success of this Policy will be measured by:

- Reduction in number of complaints associated with road condition
- Reduction in public liability claims associated with road condition



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## BREACHES OF THE POLICY

Breaches of this Policy should be reported to the Manager Assets.

The Manager Assets will investigate alleged breaches and determine the appropriate course of action to resolve the matter.

## APPROVED BY:

**WINGECARRIBEE SHIRE COUNCIL**

**11 December 2019**

## ATTACHMENTS

*No attachments*

**Approved By:**

**WINGECARRIBEE SHIRE COUNCIL**

**11 December 2019**

