



CIVIL WORKS POLICY

14.63.11

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Applicable Legislation:	Fences Act 1975 (SA) Local Government Act 1999 (SA) Fences Act 1975 (SA) Planning, Development and Infrastructure Act 2016 (SA) and regulations Electricity Act 1996 (SA) and regulations Road Traffic Act 1961 (SA) Work Health and Safety Act 2012 (SA) and regulations
Related Policies:	Streetscaping and Tree Management Policy 14.63.15 Encroachments Over Council Land Policy 14.63.14 Asset Management Policy 7.63.20 Risk Management Policy 18.63.5 Controlled Document Register Policy
Related Documents:	City of Port Lincoln Fees and Charges Schedule Australian Standard AS/NZS 3000:2019 Electrical installations, as amended or replaced Template 14-71-22 Section 221 – Authorisation to Alter a Public Road Application SA Power Networks Service and Installation Rules, as amended

1. **PURPOSE**

This Policy establishes Council's requirements for privately initiated and development-related civil works that affect Council roads, road reserves, footpaths, kerbs, drainage, underground services or adjoining Council land. It also sets the basis for Council contributions toward eligible footpath works and dividing fences, and the controls applying to driveway crossovers, private stormwater connections and private works undertaken by Council.

2. **KEY POLICY SETTINGS**

Written Council approval is required before privately initiated work alters a public road or Council asset.

This Policy is the primary policy for driveway crossover location, approval, construction, deferral and maintenance.

Council footpath contributions are discretionary and capped by the current Fees and Charges Schedule.

A privately proposed dividing fence adjoining Council land is limited to 1.8 metres and may incorporate a plinth subject to Council approval

The person receiving the private benefit bears the cost unless Council approves a contribution or has a legal liability.

Technical approval sits with the Manager Civil Assets and Operations; land tenure approval sits with the Manager Property and Sustainability; the Senior Property Officer administers the controlled register.

A material departure from this Policy must be escalated to the General Manager Environment and Infrastructure for a written determination on the matter.

3. **DEFINITIONS**

Council adopts the following definitions for this policy:

Applicant

A property owner, developer, occupier, contractor, service provider or other person seeking Council approval, authorisation, contribution or private works.

Council Land

Land owned by Council or under Council's care, control and management, excluding a public road unless the context states otherwise.

Driveway Crossover

The vehicle access between the road carriageway or kerb and the property boundary, including the section crossing a verge or footpath and any associated kerb invert, culvert or drainage work.

Eligible Cost

The approved cost of standard work that Council has agreed in writing may be included when calculating a contribution. It excludes non-standard, decorative, private or remedial work unless Council expressly agrees otherwise.

Footpath

The part of a public road reserve intended primarily for pedestrian use, including a constructed path through a driveway crossover.

4. **INTRODUCTION**

Civil works associated with private property often occur within or affect a public road and therefore require Council oversight as road authority and asset owner. Council must balance private access and development needs with public safety, accessibility, drainage, street trees, utilities, on-street parking, future asset works and whole-of-life maintenance.

This Policy brings the principal requirements for footpath contributions, driveway crossovers, underground services, private stormwater connections, private works and dividing fences into one public-facing framework. Detailed construction requirements remain in Council's current authorisation forms, technical specifications, standard drawings and written approval conditions so that technical requirements can be updated without unnecessary policy amendment.

5. **SCOPE**

This Policy applies to:

- property owners, developers, occupiers, contractors and service providers proposing work that affects a Council road, road reserve, asset or adjoining Council land;
- Council employees assessing applications, authorisations, inspections, contributions, bonds, quotations, defects and non-compliance;
- footpath construction contribution requests for commercial premises and existing residential premises;
- driveway crossover location, construction, deferral, reinstatement and maintenance;
- private underground electrical cables and other services within public roads;
- private stormwater connections to Council drainage infrastructure or road drainage;
- private works requested from Council; and
- dividing fences between private land and Council land.

This Policy does not apply to:

- Council-initiated capital, renewal or routine maintenance works;
- development assessment decisions made under the Planning, Development and Infrastructure Act 2016, although an approved development may still require engineering approval, inspection or road authorisation;
- street tree removal, verge landscaping or streetscape matters governed by the Streetscaping and Tree Management Policy, except where those matters interact with civil works under this Policy;
- works undertaken by a utility or authority under an independent statutory power to the extent that Council authorisation is not required; or
- fences solely between private landowners.

6. **POLICY CLASSIFICATION**

This is a Council policy. It is public-facing, establishes Council's position on financial contributions, affects how statutory road powers are exercised, and records Council's position as an adjoining landowner under the Fences Act 1975.

7. POLICY POSITION / COMMITMENT

Council will only authorise, contribute to or undertake civil works where the proposed outcome is safe, lawful, technically acceptable, appropriately located, compatible with Council's asset and streetscape objectives, and supported by clear responsibility for cost, construction, maintenance and records.

No applicant has an automatic entitlement to a Council contribution, authorisation, preferred driveway location, non-standard design or private works service. Council may approve, approve with conditions, require redesign, defer or refuse a proposal in accordance with legislation, this Policy, the Delegations Register and the circumstances of the site.

8. POLICY PRINCIPLES

- Public safety and accessibility take priority over private convenience.
- Council roads, drainage, footpaths, kerbs, street trees, utilities and future works must be protected.
- Works must be designed for their full life cycle, including inspection, ownership, maintenance, renewal, relocation and removal.
- The person receiving the private benefit bears the cost unless Council has expressly approved a contribution or has a statutory liability.
- Approvals, variations, contributions, bonds, inspections and completion must be documented and auditable.
- Council standards are applied consistently while allowing site-specific engineering judgement where recorded and authorised.
- Technical approval and land tenure approval are separate decisions and must be made by the responsible Manager within authority.
- No retrospective contribution or implied approval will arise because work has commenced or been completed without written approval.
- Technical specifications are maintained in controlled forms, standards and drawings and must be read with this Policy.

9. POLICY REQUIREMENTS

9.1. *General Approval and Construction Controls*

9.1.1 *Written approval before work*

A person must not alter a public road, construct a driveway crossover, disturb a footpath or kerb, install a private pipe, cable, drain, structure or fixture, or otherwise undertake work within a public road without Council's prior written authorisation unless another statutory authorisation or a prescribed exemption applies.

The applicant remains responsible for obtaining all other required development approvals, utility approvals, licences, permits, consents and landowner agreements. Council approval under this Policy does not replace those requirements or warrant that the proposal is suitable for the applicant's private land or intended use.

Where a proposal requires a landowner consent, licence, lease, easement, encroachment, access arrangement, boundary arrangement, fencing agreement or other land tenure instrument affecting Council land, technical approval and land tenure approval must be obtained separately. The Manager Civil Assets and Operations approves technical matters. The Manager Property and Sustainability approves land tenure matters. Neither approval substitutes for the other.

9.1.2 Application Information

An application must contain sufficient information for Council to assess the proposal. Council may require:

- a dimensioned site plan showing property boundaries, buildings, existing and proposed access points, kerbs, footpaths, street trees, signs, pits, poles, drainage, utilities and other relevant features;
- design drawings, levels, materials, construction details, calculations, survey information or certification by a suitably qualified person;
- evidence of relevant development approval or other statutory approval;
- the contractor's details, licences, competencies, public liability insurance and proposed work method;
- underground service information and evidence of on-site service locating;
- traffic, pedestrian, access, environmental, erosion and sediment controls;
- quotations, cost estimates and invoices where a contribution, bond or private works quotation is involved; and
- any other information reasonably required to assess safety, engineering, asset, legal or financial risks.

9.1.3 Assessment and Decision

Council will have regard to:

- public safety, pedestrian accessibility, sight distance and road function;
- the location, number and width of access points and their effect on street trees, on-street parking, utilities, drainage and neighbouring properties;
- existing and planned footpaths, kerbs, drainage, road reconstruction and other capital works;
- construction quality, durability, maintainability, appearance and whole-of-life cost;
- the Planning and Design Code, applicable Australian Standards, utility requirements and Council technical standards;
- whether the proposal primarily provides a private benefit and whether a Council contribution is justified;
- the applicant's previous compliance with Council authorisations where relevant; and
- any site-specific engineering, environmental, heritage, coastal, flood, disability access or operational constraint.

Council may require the proposal to be relocated, reduced, redesigned, staged or coordinated with other works. A site-specific technical variation that remains consistent with this Policy may be approved in writing by the Manager Civil Assets and Operations. A material departure from this Policy must be escalated and may only be approved in writing by the General Manager Environment and Infrastructure before the varied work is undertaken. Where the departure affects Council land tenure, the Manager Property and Sustainability must first provide a written land tenure recommendation for consideration by the General Manager Environment and Infrastructure.

9.1.4 *Conditions, security and term*

Council may impose conditions that address safety, insurance, indemnity, traffic control, construction timing, inspections, testing, public access, service protection, drainage, reinstatement, maintenance, relocation, removal, records and cost recovery. Council may also require a bond, bank guarantee, deposit or other security proportionate to the risk and reinstatement exposure.

The written authorisation will state its term. Unless otherwise stated, an authorisation for one-off construction work will lapse if the work has not commenced within 12 months. A lapsed authorisation must be renewed or replaced before work commences.

9.1.5 *Construction, inspection and completion*

- Work must be undertaken by a competent and, where required, licensed contractor in accordance with approved plans, conditions, current standards and lawful directions.
- The applicant must maintain safe pedestrian and vehicle movement, protect Council assets, trees and utilities, and immediately make safe any hazard created by the work.
- Council must be notified at required hold points and given reasonable access to inspect the work. Inspection does not transfer responsibility for workmanship or compliance to Council.
- The applicant must restore the road and all affected assets at least to their pre-work condition and to any higher standard required by the approval.
- Completion is not accepted until defects are rectified, required records and as-constructed information are supplied, and Council confirms completion in writing.

9.2. *Footpath construction and Council contributions*

9.2.1 *General eligibility and calculation*

Council may contribute to an approved new or upgraded public footpath adjoining an existing commercial or residential property where the work supports Council's pedestrian network, asset standards and available budget. A contribution is discretionary and must be approved in writing before procurement or construction.

The contribution will be the lesser of 50 per cent of the approved eligible cost and the maximum contribution per square metre adopted in Council's current Fees and Charges Schedule. The applicant must pay the balance and all ineligible costs.

Eligible cost is limited to the standard footpath pavement within the public road approved by Council. Unless expressly approved, it excludes:

- paving or entrance works on private land;
- decorative, premium or non-standard materials and finishes;
- retaining walls, steps, ramps, landscaping or private drainage;
- utility relocation, pit adjustment, tree removal or treatment;
- design, survey, permit, traffic management and administration costs;
- work required as a condition of development approval, land division or another legal obligation;
- replacement of defective, damaged or unauthorised private work; and
- work commenced before Council's written approval.

Payment will only be made after satisfactory completion, final inspection and receipt of valid invoices and any other evidence required by Council. Council may instead arrange the work and invoice the applicant for the applicant's share where this provides better coordination or asset control.

9.2.2 Commercial premises

- The footpath alignment, width, levels, pavement type, pattern, colour and detailing must be approved by Council and be consistent with the adopted streetscape or current technical standard for the locality.
- The former specification of a particular proprietary paver is not a policy entitlement. Council may approve an equivalent or different current product to achieve durability, accessibility, supply continuity and streetscape consistency.
- Entrances, thresholds and transitions must maintain a safe and accessible public path of travel and must not direct private stormwater onto the footpath.
- Existing cross drains, service covers and other fixtures affected by the work must be upgraded, adjusted or replaced to Council's current standard at the applicant's cost unless Council agrees otherwise in writing.

9.2.3 Existing residential premises

- The maximum footpath width eligible for contribution is 1.5 metres unless Council approves a different network standard for the street.
- Council will determine the alignment, material, levels and extent of work, including the treatment of the continuous footpath through any driveway crossover.
- Council may program, coordinate or undertake the work, or may approve the owner to engage a contractor subject to the general controls in this Policy.
- The contribution does not extend to the private driveway behind the property boundary or to a non-standard driveway finish within the road reserve.

9.2.4 New land divisions and development obligations

A developer or applicant must meet the full cost of footpaths, driveway crossovers, kerb alterations, drainage, service adjustments and associated civil works required by a development authorisation, land division, infrastructure agreement or Council standard. No contribution under this section is payable for work that forms part of a development obligation.

9.2.5 Ownership and maintenance

An approved footpath within the public road becomes a Council asset when Council accepts it in writing. Council will maintain the pedestrian footpath pavement as part of its network. The property owner remains responsible for the driveway crossover and private access, including structural or surface damage attributable to vehicular access, private drainage or unauthorised work, and for any privately owned drain, grate, service or fixture within the footpath.

9.3. Driveway Crossovers and vehicle access

This section is Council's principal policy for the location, approval, construction, deferral, reinstatement and maintenance of driveway crossovers. Technical construction details are set out in the current Section 221 Authorisation Form, standard drawings and written approval conditions.

9.3.1 Approval and Design

- The property owner or developer must meet the full cost of each driveway crossover and associated kerb, footpath, drainage, service, tree and reinstatement work.
- A Section 221 authorisation is required unless another statutory authorisation applies. Where vehicle access has been considered through development assessment, the crossover must still satisfy applicable Council engineering, inspection and road reinstatement requirements.
- The proposed crossover must be marked on site when requested and must not be constructed until Council has inspected and approved the location and design in writing.
- Approval of a planning or building proposal does not authorise departure from Council's crossover construction standard or approval conditions.

9.3.2 Location, number and width

- Access must be safe and convenient, consistent with the Planning and Design Code, and located to preserve sight distance, pedestrian access, road drainage, street trees, utilities, on-street parking and the efficient use of the road.
- Council will generally support one crossover per road frontage where that provides adequate access. A second or wider crossover must be justified by the site use, demonstrate a safe outcome and comply with current planning and engineering requirements.
- Removal of a street tree will not be supported solely to provide a second, non-essential driveway crossover.

- A crossover must be located wholly in front of the property it serves. Any alternative technical arrangement must be approved by the Manager Civil Assets and Operations. Where the arrangement relies on Council landowner consent, an easement, access right or other tenure arrangement, it must also be separately approved by the Manager Property and Sustainability.
- Council may require an alternative location or width where the applicant's preferred arrangement would adversely affect safety, drainage, assets, trees, parking, utilities, planned works or neighbouring access.

9.3.3 Construction and reinstatement

- The crossover must be constructed to Council's current material, pavement, reinforcement, kerb, invert, drainage, level and finish requirements.
- A continuous, safe and accessible pedestrian path must be maintained through the crossover. The driveway grade and crossfall must not create a trip, ponding or mobility hazard.
- Existing road drainage must remain effective during and after construction. Culverts, box drains, grates and outlets must be approved, structurally adequate, secure, flush and maintainable.
- Any redundant crossover must be removed and the kerb, footpath and verge reinstated where required by a development approval or Council's authorisation.
- Council may require testing, staged inspections and correction or removal of a non-compliant crossover at the owner's cost.

9.3.4 Deferred crossover installation for land divisions

Where land is divided and upright kerbing exists, Council may approve deferral of a crossover so that the future owner can establish the most suitable access location. Deferral is not an entitlement and will only be approved where future access can reasonably be achieved without unacceptable impacts on safety, drainage, street trees, utilities, parking or neighbouring land.

- The developer must pay the deferred crossover bond or contribution adopted in Council's Fees and Charges Schedule before the relevant development clearance or other release specified by Council.
- The Senior Property Officer must administer a controlled register identifying the allotment, payer, amount, date, approval conditions and status of each deferred crossover amount. The Manager Civil Assets and Operations is responsible for the technical status of each entry, and Finance is responsible for financial reconciliation.
- The amount will be applied toward one standard approved crossover. The future owner must make a current application and obtain approval of the location and design before construction.
- Any cost exceeding the amount held, including non-standard design, additional width, service relocation, drainage, tree impacts, changed site conditions or cost escalation, must be paid before Council commences work.
- Any balance, refund, transfer or release must be dealt with in accordance with the written bond or contribution conditions. No deferral is to be approved unless those conditions clearly state the treatment of shortfalls, surplus funds and the release event.

9.3.5 Maintenance

The owner of the property served by a crossover is responsible for its ongoing maintenance, including associated private culverts, box drains, grates and structures. Council may require repair, reconstruction or removal where a crossover is unsafe, obstructs drainage, damages Council assets or no longer complies with an authorisation.

9.4. Underground services and electrical cables

- A private pipe, conduit, wire, cable or other service within a public road requires prior written authorisation unless an independent statutory authority applies.
- Electrical work must be undertaken by appropriately licensed persons and comply with the Electricity Act 1996, applicable regulations, the current edition of AS/NZS 3000 including amendments, SA Power Networks requirements and any Office of the Technical Regulator requirements.
- The applicant must obtain utility information, locate services on site, maintain required clearances and depths, and use an alignment approved by Council. No route change is permitted without written approval.
- The route must be direct and readily identifiable, with markers at changes of direction and other locations required by Council. Accurate as-constructed plans must be provided to Council on completion.
- The applicant is responsible for trench safety, pedestrian and traffic control, protection of trees and assets, testing, certification, reinstatement, future maintenance and any damage to Council or utility infrastructure.
- Council may require a private service to be protected, altered, lowered, relocated or removed at the owner's cost where reasonably required for road, drainage, footpath, tree, utility or other public works, subject to law and the authorisation conditions.

9.5. Private Stormwater Connections

- The property owner is responsible for the design, construction, cost, operation, maintenance, repair and replacement of the private stormwater system from the property to the approved discharge point.
- A connection through a public road, footpath or kerb, or to Council drainage infrastructure, requires prior written approval and a Section 221 authorisation unless another statutory authorisation applies.
- Council will determine or approve the connection point, pipe or box drain type, size, material, alignment, levels, outlet treatment, surface treatment and inspection requirements having regard to available capacity, public safety and asset protection.
- Council approval of a connection does not guarantee the capacity of the public drainage system, prevent flooding or transfer responsibility for managing stormwater generated on private land.
- Private discharge must not create ponding, erosion, nuisance, pollution, slip or trip hazards, damage to the road or footpath, or an unreasonable impact on another property.
- Covers and grates within pedestrian areas must be secure, durable, slip resistant and flush with the surrounding surface. The owner must keep the connection and any associated private structure safe and serviceable.

- Where a private connection is defective or unsafe, Council may give notice requiring repair. If the owner does not comply, Council may undertake or arrange necessary work and recover costs where authorised by law, the approval or agreement.

9.6. Private Works undertaken by Council

- Council may, but is not obliged to, undertake private works where it has capacity, appropriate capability and the work will not unreasonably disrupt Council's adopted program or create an unacceptable risk or conflict.
- Private works will be quoted and charged on a full cost recovery basis in accordance with the Fees and Charges Schedule or a written quotation. The quotation may include labour, plant, materials, supervision, traffic control, overheads, external costs, contingencies and applicable taxes.
- Council may require acceptance, prepayment, a deposit or other security before programming the work. A quotation does not reserve a construction date unless the written acceptance states otherwise.
- The written scope must identify the work, exclusions, access, standards, responsibility for approvals, ownership, defects, maintenance and any variation process.
- Council's public works and emergency responsibilities take priority. Council may reschedule private works where operational needs require it and will advise the applicant as soon as practicable.
- Completed private works remain the property owner's responsibility unless Council expressly accepts a defined asset into its ownership and maintenance system in writing.

9.7. Dividing Fences Adjoining Council Land

9.7.1 Application of the Fences Act and Council policy

Council will assess each fencing notice and proposal having regard to the Fences Act 1975, the use and size of the Council land, operational needs, public safety and this Policy. Under section 20 of the Fences Act 1975, the Act applies to Council land subject to exclusions, including land in a single parcel of more than one hectare, a public road or road reserve, and land exempted by regulation, including Council land used solely or principally for drainage.

As a policy position, Council will not voluntarily contribute to a fence adjoining a public road, road reserve, drainage reserve, pedestrian access way, walkway or similar linear reserve unless Council has a legal liability or determines that the fence is required for a documented Council operational or safety purpose. This Policy does not limit any liability imposed by legislation or a court order.

9.7.2 Prior notice and approval

- The adjoining owner must serve the required notice under the Fences Act 1975 and obtain Council's written agreement before commencing fencing work. The Manager Property and Sustainability approves Council's landowner response and fencing agreement after receiving technical advice from the Manager Civil Assets and Operations.
- The proposal must show the boundary, fence length and position, material, colour, height, post and footing details, ground levels, drainage, vegetation, access needs, contractor and estimated cost.

- Unless Council agrees otherwise, at least two itemised written quotations must be supplied and Council's contribution will be assessed using the lower conforming quotation.
- Where the boundary is uncertain or encroachment risk exists, Council may require a licensed survey at the cost allocated under the agreement or applicable law.
- No retrospective contribution will be paid for fencing work commenced or completed without Council's written agreement, except where Council is otherwise legally required to contribute.

9.7.3 Fence standard allowed under this policy

COUNCIL FENCE STANDARD

Maximum overall height: 1.8 metres.

Unless otherwise approved by Council, plinths, sleepers, retaining walls, masonry bases and other continuous raised elements beneath the fence are not permitted.

The fence must not retain soil. Any retaining structure must be separate, wholly on private land and separately approved.

For a fence proposed by an adjoining private owner, Council will only agree to and contribute toward a standard fence that:

- has a maximum height of 1.8 metres, measured from the lower of the existing adjoining ground levels at the boundary;
- has no plinth, sleeper, retaining wall, masonry base, raised footing or other continuous element beneath the fence panels or palings;
- does not retain soil or manage a difference in ground level. Any required retaining work must be structurally independent, located wholly on private land and separately approved;
- uses a conventional material, profile and colour approved by Council for the location and is durable, safe and readily maintainable;
- does not include lattice, screening extensions, acoustic treatment, decorative or premium features at Council cost;
- does not include a gate or opening into Council land unless the Manager Property and Sustainability separately approves the land tenure or access arrangement and responsibility for security and maintenance is recorded;
- does not include barbed wire, razor wire, electrification or another hazardous treatment;
- does not obstruct drainage, visibility, public access, surveillance, asset inspection or Council maintenance; and
- is located on the surveyed boundary unless the Manager Property and Sustainability approves another position in writing after receiving technical advice from the Manager Civil Assets and Operations.

A fence exceeding 1.8 metres or incorporating any plinth is a material departure from this Policy. It must not be approved through routine officer or Manager approval. It may only proceed where the General Manager Environment and Infrastructure gives written approval after receiving documented technical advice from the Manager Civil Assets and Operations and land tenure advice from the Manager Property and Sustainability. An approved departure does not increase Council's contribution above the cost of the standard fence unless Council has a legal liability or additional expenditure is separately approved within financial delegation. Separate development approval requirements continue to apply.

9.7.4 Council contribution

Where the Fences Act 1975 applies and Council accepts that fencing work is required, Council will ordinarily contribute the lesser of one-half of the approved actual cost and one-half of the minimum reasonable cost of the standard fence described in this Policy, subject to the benefit and adequate-fence principles in the Act and any agreement or court order.

Council will not voluntarily contribute to:

- height, materials, finishes or features above the standard fence;
- a plinth, sleeper, retaining wall, masonry base or ground-level alteration;
- gates or access openings not required by Council;
- work required solely because of the private owner's development, fill, excavation, retaining, animals, security preference or change of use;
- repair of damage caused by the private owner, occupier, contractor or invitee; or
- work undertaken without the notice and approval required by this Policy, subject to any overriding legal obligation.

Council may pay its approved contribution to the contractor, reimburse the adjoining owner after satisfactory completion and receipt of invoices, or arrange the work directly. The method must be stated in the written fencing agreement.

9.7.5 Construction, access and maintenance

- The written agreement must record the boundary, fence standard, contractor, access, timing, vegetation treatment, removal of the existing fence, disposal, cost allocation, payment method, inspection, defects and ongoing maintenance responsibilities.
- Contractors must protect Council land, vegetation, services and assets and must not enter Council land except as authorised. Damage must be reported immediately and rectified at the responsible party's cost.
- No person may attach a structure, load, sign, screening, irrigation, landscaping or other item to the fence from Council land or alter drainage at the boundary without written approval.
- Maintenance and repair costs will be allocated in accordance with the Fences Act 1975, the written agreement and responsibility for any damage. Urgent work must be documented as soon as practicable.

10. RELATIONSHIP TO LEGISLATION AND COUNCIL DOCUMENTS

Under section 221 of the Local Government Act 1999, a person must not alter a public road without authorisation unless a statutory exception applies. Section 224 permits Council to impose appropriate conditions, including safety, insurance, drainage, maintenance and removal requirements. The Act also requires restoration of a disturbed road and provides mechanisms concerning damage and unauthorised objects. Council's authorisation form and conditions operationalise those requirements.

The Fences Act 1975 governs notices, disputes, adequate fences, contribution and the application of the Act to Council land. This Policy states Council's standard and administrative position but does not displace the Act or a court order.

Driveway access, fencing and other works may also require development approval or compliance with the Planning and Design Code and the Planning, Development and Infrastructure legislation. Electrical work must comply with electricity legislation, the current Wiring Rules and network requirements. Work on roads must also comply with applicable road safety, work health and safety, accessibility, environmental and utility requirements.

This Policy must be read with Council's current Fees and Charges Schedule, Section 221 Authorisation Form, controlled technical specifications and drawings, Streetscaping and Tree Management Policy, Encroachments Over Council Land Policy, Asset Management Policy, Risk Management Policy and Delegations Register. Where an inconsistency arises, legislation and a valid statutory authorisation prevail.

11. RELATIONSHIP TO THE DELEGATIONS REGISTER

This Policy does not itself confer a statutory power. Decisions, authorisations, conditions, enforcement action, expenditure and agreements must be made by Council, the Chief Executive Officer or an authorised officer in accordance with the Local Government Act 1999, Council's Delegations Register, sub-delegations, financial delegations and any applicable statutory appointment.

The Manager Civil Assets and Operations determines technical matters within delegation. The Manager Property and Sustainability determines land tenure and Council landowner matters within delegation. A material departure from this Policy, including a fence above 1.8 metres or incorporating any plinth, must be escalated to the General Manager Environment and Infrastructure for written approval. A matter outside the relevant statutory, financial or administrative authority must continue to the person or body holding that authority.

12. COMMUNICATION

- The adopted Policy will be published on Council's website and SharePoint controlled document pages.
- Current application forms, technical specifications, standard drawings and Fees and Charges will be linked or made readily available to applicants and customer service employees.
- Material changes will be communicated to relevant employees, contractors, development professionals and other regular users of the process.
- Written approvals and quotations must clearly identify the current controlled documents that apply.

13. TRAINING

Employees who assess, approve, inspect, invoice, record or enforce matters under this Policy must be briefed on the revised requirements. Targeted training must cover Section 221 authorisations, contribution calculations, driveway and drainage controls, deferred crossover records, fencing agreements, delegations, records management and escalation. Refresher training is required following material legislative, policy, form or technical changes.

14. RECORDS MANAGEMENT

Council must capture, in the approved records management system, records including:

- applications, plans, photographs, surveys, quotations and supporting approvals;
- assessment notes, site inspections, engineering advice and delegated decisions;
- authorisations, conditions, variations, refusals, cancellations and correspondence;
- bonds, securities, invoices, payments, contributions and refunds;
- hold-point and completion inspections, test results, certificates and as-constructed information;
- fencing notices, agreements, contribution calculations and boundary information;
- defects, complaints, incidents, damage, enforcement and cost recovery action; and
- controlled register entries for deferred crossovers, fencing and land tenure agreements, access arrangements and privately owned infrastructure, administered by the Senior Property Officer.

15. MONITORING AND REPORTING

The Manager Civil Assets and Operations will monitor technical approvals, inspections, contribution expenditure, defects, incidents, complaints, non-compliance and recurring engineering issues. The Manager Property and Sustainability will monitor land tenure and Council landowner decisions. The Senior Property Officer will maintain the controlled register and coordinate reconciliation of deferred crossover, fencing and land tenure entries with Finance and the relevant technical records. Material departures, legal issues, budget pressures or systemic non-compliance will be reported to the General Manager Environment and Infrastructure and escalated further only where required by law, delegation, budget or strategic significance.

The Policy owner will ensure the Section 221 form, technical specifications, standard drawings, Fees and Charges references and website information remain consistent with this Policy. The Manager Property and Sustainability and Senior Property Officer will ensure land tenure forms, fencing agreements and register fields remain consistent with this Policy and current administrative requirements.

16. NON-COMPLIANCE

Where work is unauthorised, unsafe, defective or contrary to an approval, Council may, subject to legislation and procedural fairness:

- direct that work stop or that a hazard be made safe;
- withhold a contribution, completion acceptance or release of security;
- require testing, rectification, reconstruction, relocation, reinstatement or removal;
- cancel an authorisation for breach of condition in accordance with the statutory process;

- undertake or arrange urgent or default work and recover costs where authorised;
- take enforcement action under applicable legislation; and
- consider the non-compliance when assessing future applications, to the extent lawful and relevant.

17. TRANSITIONAL ARRANGEMENTS

- A valid authorisation or written agreement issued before adoption of this Policy continues under its existing terms unless varied by agreement or law.
- An undecided application may be assessed under this Policy after the applicant is given an opportunity to provide any additional information reasonably required.
- Existing deferred crossover, fencing and land tenure records must be reconciled to the controlled register, including the relevant property, approval, financial amount, conditions, status, responsible Manager and close-out action.

18. RESPONSIBILITY

Role	Responsibility
Council	Adopts and reviews the Policy and determines material changes to Council contribution settings or policy standards.
Chief Executive Officer	Ensures systems, delegations, resources and controls support implementation; approves matters within CEO authority; and escalates significant issues to Council.
Executive	Reviews material policy, legal, financial, risk and cross-organisational issues and monitors significant implementation concerns.
General Manager Environment and Infrastructure	Provides portfolio oversight; approves material departures from this Policy within authority; determines higher-risk, precedent-setting or resource-significant matters; and escalates only where a higher statutory, financial or strategic authority is required.
Manager Civil Assets and Operations / Document Owner	Owns and administers the Policy; approves technical matters within delegation; sets engineering conditions and hold points; oversees inspections, completion, contributions and private works; maintains technical forms and standards; and monitors technical compliance.
Manager Property and Sustainability	Approves land tenure and Council landowner matters within delegation, including licences, leases, easements, encroachments, access and boundary arrangements, fencing agreements and other permissions affecting Council land. Land tenure approval is separate from technical approval.
Senior Property Officer	Administers the controlled property and land tenure register; registers and tracks fencing notices and agreements, deferred crossover entries and relevant access or tenure matters; maintains status, review and close-out records; and coordinates reconciliation with Finance and technical officers.
Relevant Council employees	Apply current controlled documents, act within delegation, maintain records, provide technical or financial input, undertake inspections and escalate matters outside authority or expertise.
Applicants, owners and contractors	Provide accurate information, obtain approvals, comply with conditions and standards, pay required costs, protect the public and Council assets, maintain private infrastructure and rectify damage or defects.

19. REVIEW

This Policy will be reviewed within four years of adoption, or earlier where required by legislative change, a material change to Council's organisational or technical arrangements, a significant incident or legal decision, repeated non-compliance, audit findings, or a Council resolution. The document owner is responsible for initiating the review and ensuring related controlled documents are reviewed at the same time.

20. RELEVANT DELEGATED POWERS AND DUTIES

All actions and decisions under this Policy must be made in accordance with Council's current Delegations Register, sub-delegations, financial delegations and applicable statutory authorisations. This includes decisions under sections 221, 224, 225, 233 and 234 of the Local Government Act 1999 and any authority to enter agreements or approve expenditure under the Fences Act 1975.

21. DOCUMENT HISTORY

Version	Date	Approved by	Summary of change
1	16 May 2022	Council - CO 22/077	Existing Civil Works Policy readopted; substantive content last revised 3 July 2017.
2	August 2026	Council – CO 26/190	Comprehensive review using the controlled document template. Strengthened approval, contribution, driveway, service, stormwater, private works and fencing controls; set the standard fence at 1.8 metres with no plinth; allocated technical approval to the Manager Civil Assets and Operations, land tenure approval to the Manager Property and Sustainability, register administration to the Senior Property Officer, and material departure approval to the General Manager Environment and Infrastructure.