



CONDITIONS FOR WORKS IN ROADS

*Works Within a Road Reserve Notification & Consent
Requirements under the
Road Management Act 2004*

Protecting Community Assets
01 July 2024



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IMPORTANT POINTS

Failure to comply with any of the following will automatically void the permit:

- **Before any work is carried out on a road** managed by Council, a notice of intention must be supplied and/or Council's consent must be obtained. Requirements vary and are listed under the heading "Notification and Consent". A notice of completion is also required when the work is finished. Failure to comply with any of the following will automatically cancel the permit.
- The term road means the full width of the road reserve and includes any pavement, footpath, kerb, nature strip, swale, shoulder, verge, etc.
- Except in emergency situations, consent for work on roads must be obtained in advance.
- This permit allows work to be carried out in the road ... it does not grant permission to close the road to traffic. If it is necessary to close the road, separate application must be made through Council's Engineering Services Department (☎ 03-5036 2324). It may be necessary to publish public notices and/or notify residents, emergency services, taxi and bus companies so that they can re-route vehicles as required.
- **Penalties exist** for working in a road without lodging the necessary notices or obtaining the necessary consents, as well as for failing to comply with the conditions on the consent.
- All openings, including those in nature strips and roadsides, **must be satisfactorily reinstated**. This includes compaction of the backfill material, as well as satisfactorily reconditioning the surface.
- **Building Permits** (as issued by the Development Group) do not cover work in the road reserve, although they may be required for buildings with verandas, etc, that overhang the road reserve.
- **Other permits** and clearances (i.e. Cultural Heritage Plan, Planning Permits etc.) may be needed prior to commencing work.
- If the work will affect other infrastructure (eg: water mains, driveways, power lines, etc), the manager of that infrastructure must be notified.
- If consent is required, a fee must be paid. Fees are listed under the heading "Fees".
- The Road Safety Act 1986 requires any person conducting works on a road to have in operation a traffic management plan. See *Road Management Act 2004 Worksite Safety - Traffic Management Code of Practice*.
- Where a kerb crossing is being relocated to create a new driveway, the existing crossing is to be converted back to kerbing that matches the adjacent profile.
- **Public Liability Insurance** – The permit holder shall, at all times during the Permit Term, be the holder of a current Public Liability Policy of Insurance in respect of the activities specified in the Permit in the name of the Permit Holder

providing coverage for an amount of at least \$10,000,000. The Public Liability Policy shall cover such risks and be subject only to such conditions and exclusions as are approved by the Council and shall extend to cover the Council in respect to claims for personal injury or property damage arising out of the negligence of the Permit Holder.

- **Principal's Indemnity** – The permit holder agrees to indemnify and keep indemnified the Council, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, in connection with the Permit Holder's performance or purported performance of its obligations under this permit and be directly related to the negligent acts, errors or omissions of the Permit Holder. The permit Holder's liability to indemnify the Council shall be reduced proportionally to the extent that any act or omission of the Council contributed to the loss or liability.

INTRODUCTION

Under sections 48 and 63 and schedule 7 of the *Road Management Act 2004* (the Act), a person or organisation intending to conduct work in, on, under or over a road under Council's control needs to:

- notify Council of any proposed installation of non-road infrastructure and related works; and/or
- obtain written consent from Council prior to commencing work; and/or
- notify Council when the work has been completed.

Schedule 7 of the Act also makes such a person or organisation responsible for returning any road, pathway or infrastructure to its original condition.

Penalties may be imposed where these requirements have not been met.

This document does not override the requirements of the Act and Regulations and is provided for guidance only.

DEFINITION OF ROAD

"Road" means the full width of any road reserve, from property line to property line, and **includes** any road pavement, footpath, kerb, nature strip, swale, shoulder, verge, etc.

ROADS CONTROLLED BY COUNCIL

Council controls all roads in the municipality **except** arterial roads:

- Murray Valley Highway (including the parts named Campbell and Curlews Streets in Swan Hill, Stradbroke Ave in Nyah, Main St in Wood Wood, and Bromley Rd in Robinvale),



- Mallee Highway (including the parts named Tooleybuc Rd east of the Murray Valley Highway, Murray St in Piangil, and Larundel St in Manangatang),
- Hattah - Robinvale Road,
- Robinvale - Sea Lake Road (including the part named Wattle St in Manangatang),
- Sea Lake - Swan Hill Road including the part named McCallum St in Swan Hill), and
- Donald - Swan Hill Road (including part formerly known as Lalbert Rd).

These are controlled by VicRoads, and notifications and consents must be processed with them via their Bendigo office.

DEFINITIONS

Traffic Impact Works means work:

- conducted on, or partly on, or that affects, a bridge or other structure; or
- requiring closure to vehicular traffic of part of a roadway for a continuous period of more than 12 hours or for more than 24 hours in 7 days; or
- having a significant impact on road safety, traffic or other infrastructure.

Minor Works are works consisting of:

- Installation, repair or maintenance of aerial cables or other overhead non-road infrastructure, not including supply extension works, nor installation or replacement of more than one pole (2 consecutive poles in rural areas); or
- Connection of a consumer to service provided by a utility, not including supply extension works, nor installation or replacement of more than one additional pole; or
- Supply extension works in an urban area comprising underground works of less than 300 meters or overhead works involving 3 additional poles or less.
- Repair or maintenance of street lighting; or
- Excavation of any part of the road other than a roadway, pathway or shoulder; or
- Excavation of an area of roadway, pathway or shoulder not exceeding 8.5m²; or
- Excavation of an area of roadway, pathway or shoulder carried out as part of repairing or replacing a pole, or
- Using an access hole to access, maintain or repair infrastructure under a road; or
- The repair or maintenance of a pole or the replacement of a single pole (not being part of a replacement of a number of consecutive poles); or
- Pruning trees or removing vegetation under the provision of another Act; or
- Works other purposes referred above, conducted for the purpose of repair, inspection operation or testing of an asset or for the purposed of a survey.

NOTE: For the purposes of the Act, urban area is defined as an area in which:

- A permanent speed limit of 60kph or less applies; or
- There are buildings on adjacent land, or there is street lighting at intervals not exceeding 100m for a distance of 500m, or for the full length of the road if it less than 500m long.

NOTIFICATION AND CONSENT

The requirements for notification and consent vary depending on the type of work as well as who is carrying out that work. Requirements may also vary depending on whether the work is in the roadway proper, the shoulder, a pathway, or the roadside. The tables below set out the notification requirements for various circumstances:



<u>FOR WORK BY A UTILITY COMPANY (OR ITS AGENT)</u> Circumstances	Notification Requirements
All works on an Arterial Road	Refer to VicRoads
Emergency works that are not traffic impact works or do not involve excavation of any part of the roadway, pathway or shoulder.	Exempt.
Emergency works other than those listed above.	Notice of Completion
Works carried out under the provisions of another Act <i>eg: Clearance of vegetation from powerlines under the Electrical Safety Act 1998. Control of weeds and pest animals under the Catchment and Land Protection Act 1994.</i>	According to the relevant Act.
Installing any structure or object for exhibiting an advertisement or placing an advertisement, sign or bill on or over a road or on an object in the road reserve; unless exempted by another Act.	Application for Consent
Traffic impact works (refer definition).	Application for Consent Notice of Completion
Mowing	Exempt.
Works on driveways	Application for Consent
Minor works that are <u>not</u> traffic impact works or do <u>not</u> involve any excavation in the roadway, pathway or shoulder	Exempt.
Minor works involving excavation in the roadway, pathway or shoulder	Notice of completion
All other works within the limits of the road reserve, including but not limited to: <ul style="list-style-type: none"> works requiring excavation of an area of roadway, pathway or shoulder exceeding 8.5m² Installation of infrastructure other than minor works or emergency works as listed previously 	Application for Consent. Notice of Completion

<u>FOR WORK BY OTHERS (PRIVATE INDIVIDUALS, CONTRACTORS OR COMPANIES)</u> Circumstances	Notification Requirements
All works on an Arterial Road	Refer to VicRoads
Emergency works	Notice of Completion
Works carried out under the provisions of another Act, <i>eg: Control of weeds and pest animals under the Catchment and Land Protection Act 1994</i>	According to the relevant Act
Installing any structure or object for exhibiting an advertisement or placing an advertisement, sign or bill on or over a road or on an object in the road reserve; unless exempted by another Act	Application for Consent
Mowing	Exempt
Works on driveways	Application for Consent
Inspection or maintenance by the Country Fire Authority (CFA) of water valves that are under their management	Exempt
Other works that involve the installation of infrastructure in the road reserve	Application for Consent Notice of Completion
All other works within the limits of the road reserve, including making excavations, using existing access holes, pruning trees, erection of hoardings, etc	Notice of Intent Application for Consent Notice of Completion
All works on an Arterial Road	Refer to VicRoads
Emergency works	Notice of Completion

For this municipality, VicRoads notifications should be sent to: VicRoads – Northern Region, **BENDIGO VIC 3552** (Office at 53-61 Lansell Street, EAST BENDIGO), or email to: NRIW.Northern@roads.vic.gov.au

EMERGENCY SITUATIONS

It is accepted that emergency situations do occur, and it is not always possible to give advance notice. Ruptured water supply pipes are a classic example, particularly if they occur at night or on weekends. In such cases, the work may proceed to fix the immediate problem, and a notice of completion

given to Council when the repair is finished, where such a notice is required.



LODGING NOTICES AND REQUESTING CONSENT

Notices and consents are processed at Council's Swan Hill Offices over the counter, or they may be sent by mail or e-mail.

Contact details are:

Calling in person: Swan Hill Office, 45 Splatt St, Swan Hill,

In writing: Swan Hill Rural City Council,
PO Box 488,
Swan Hill Vic 3585

By e-mail: road_consent@swanhill.vic.gov.au

An application for written consent for works that may affect non-road infrastructure that is the responsibility of an infrastructure manager or works manager other than the applicant must include particulars of: the traffic management, notices given to other infrastructure managers or works managers, and particulars of consultations conducted with the public.

TRAFFIC MANAGEMENT

The works manager must have in operation a traffic management plan for the worksite (in accordance with section 99A of the **Road Safety Act 1986**), give appropriate warnings to road users, and engage appropriately trained and qualified persons to carry out the works or manage the non-road activities or direct traffic.

Traffic management plans should be prepared by persons who are suitably experienced and competent in traffic management, that is, they should possess a certificate in traffic control and general traffic management, issued by a registered and accredited training organisation, and should attend refresher courses at least every three years.

FEES

No fees are payable for notification of proposed works or notification of completed works. The **fee payable for an application for consent** is shown in the table below. The "fee units" referred to are in accordance with the **Monetary Units Act 2004**. **At 1 July 2024, one fee unit is \$16.35.**

MUNICIPAL ROADS				
Road Classification	Works, other than minor works		Minor works	
	On, or partly on the roadway, shoulder or pathway	<u>Not</u> on the roadway, shoulder or pathway *	On, or partly on the roadway, shoulder or pathway	<u>Not</u> on the roadway, shoulder or pathway *
Municipal road where max speed limit at any time is more than 50kph	43.2 fee units = \$705.50	23.5 fee units = \$383.80	9.3 fee units = \$151.90	6 fee units = \$98.00
Municipal road where max speed limit at any time is 50kph or less	23.5 fee units = \$383.80	6 fee units = \$98.00	9.3 fee units = \$151.90	6 fee units = \$98.00

* generally, applies to work carried out only in the nature strip and not affecting footpaths or kerbs.

GRANTING OF CONSENT

Subject to all appropriate information being provided in the application for consent, a response should be expected:

- for a *service connection* provided by a utility: **3 business days**,
- for a *supply extension*: **15 business days**, and
- for *any* other work: **20 business days**.

Where a response has not been made within this period, consent may be considered to have been given.

NOTICE OF COMPLETION

Notices of completion must be submitted as follows:

- by a utility, for works that do not require consent: by the 14th day of the following month, and

- for all other cases: within 7 business days of completing the works, which includes reinstatement.

CONSENT CONDITIONS

All of the conditions listed in this document, as far as they apply to specific types of work, must be adhered to while carrying out any work within a road reserve.

Where there is reference to an Australian, VicRoads or other standard or code of practice, it is the responsibility of the works manager to familiarise themselves with the requirements of that document, and ensure that the relevant conditions are observed.



BUILDING PERMITS

Building Permits (as issued by the Development Group) only cover work within a property's boundaries; they do not confer any rights to work in the road reserve.

If carrying out work within the road reserve in conjunction with building works, the provisions of the Act apply, and the necessary notices must be given, and consent obtained.

OTHER PERMITS AND CLEARANCES

You might also need the following permits or clearances:

- If the proposed work is on a road that forms part of the municipal boundary, it may also be the responsibility of the adjacent municipality.
- If the proposed work involves the disturbance or removal of any native vegetation, a Planning Permit from Council's Planning Department will be required.
- If it is necessary to close the road to traffic in order to carry out the work, a separate application must be made through Council's Engineering Services Department (☎ 03-5036 2324). It may be necessary to publish public notices and/or notify residents, emergency services, taxi and bus companies so that they can re-route vehicles as required.
- If the work may affect assets owned by someone else, such as Telstra, Powercor, Water Authority or private driveways, then the owners or managers of those assets must be notified.
- If the proposed work will result in the discharge of stormwater into the road reserve.

WORKING HOURS (SWAN HILL & ROBINVALE CBD)

When work being carried out in the Swan Hill or Robinvale CBD is likely to cause unreasonable disruption to the normal operation of business and to their patrons that work is to be carried out at times that will minimise such disruption. This may mean that some works have to be carried out at night, on Saturday afternoons, or Sundays.

SITE CONDITIONS

It is the responsibility of the person carrying out the work to familiarise themselves with any site conditions which may affect, or be affected by the work, in particular, the locations of any buried services and any items of Aboriginal, historical, or environmental significance.

CONSTRUCTION STANDARDS

Construction is to be in accordance with the Infrastructure Design Manual (IDM).

The Infrastructure Design Manual is a living document and may be revised and amended from

time to time. To ensure that everyone has access to the latest version of this manual it will only be available electronically on this web site - <http://www.designmanual.com.au/download-idm>

INSTALLATION OF PIPES, CABLES AND CONDUITS

For pipes, cables or conduits less than 300mm outside diameter, boring shall be used under road pavements, driveways, footpaths, etc. Trenching will only be approved in exceptional circumstances and when there are sound reasons for doing so.

Pipes or conduits 300mm outside diameter or larger may be laid by trenching.

ABORIGINAL REMAINS AND ARTEFACTS

If aboriginal skeletal remains or artefacts are encountered work is to cease immediately. The remains or artefacts are not to be disturbed. The area is to be made safe, and both the Swan Hill Rural City Council and the appropriate Aboriginal Community Cultural Officer are to be notified by the fastest means. Work is not to resume until a written clearance has been obtained from the relevant Aboriginal Community Cultural Officer.

NON-ABORIGINAL HERITAGE ITEMS

If items identified as or suspected of being of non-aboriginal historical significance are encountered, work is to cease immediately. The items are not to be disturbed. The area is to be made safe, and the Swan Hill Rural City Council is to be notified. Work is not to resume until a written clearance has been obtained from the Swan Hill Rural City Council after consultation with an appropriate heritage authority.