ROAD OPENING TO TRAFFIC

INTENT: To provide legal vehicle access to property

Author/Project Team: Alan Landers – Joanne Cox

Department: Assets Department

Date Created: 29 September 2011

Last updated: 28/09/2017

Notes / Comments:

1. Refer to APPLICATION FOR OPENING OF UNUSED ROAD TO TRAFFIC – on Council’s Website.

2. UNUSED ROAD RESERVE

A piece of land whose cadastral status is road under the Land Act 1958 or Crown Land Act 1978, where the Council is the Committee of Management or the owner. The road may be unnamed or named and a physical road may or may not exist. These roads are not in the current Public Road Register.

3. a - Does road reserve provide access to more than one property, irrespective of ownership? If yes, road is required for public use.

b - if only single property access applicant is advised that they are able to construct property access from the open road reserve to their property (working in Road Reserve Permit & Applicant will be responsible for maintenance of the access facility.)

4. Council has to request licensee details not the applicant, due to privacy issues.

5. The declaration of a Road as a “Public Highway” is given pursuant to Section 204 (1) of the LGA 1989

6. Section 204(2) of the Act refers to making a road “open to the public” - roads open to the public pursuant to section 204(2) are not deemed to be Public Highways.


8. PUBLIC NOTICE

Submissions are to be received by Council within 28 days of the date of the notice.

9. Appoint 3 Ward Councillors and the Mayor as the Special Committee to hear these submissions and prepare a report containing all submissions received for the purpose of the submission hearing.

END

1. Applicant

Application in writing

2. Public

Asset Department

3. Council

4. DELWP

Operations Depot

5. Applicant to complete application form and pay fee. Note: 1

6. Applicant advised to complete – Application for road opening Note: 1

7. Completed application & fee received

8. Road Reserve remains

Advise applicant road is not to be opened to public traffic. Note: 3b.

9. DELWP supplies licensee information

10. Request estimated cost to maintain road

11. Officer to prepare 1st Report to Council

12. 1st Report to Council – to commence statutory procedures Notes: 5, 6 & 7

13. Council approve commencement of road opening

14. Special Committee formed if any submitters wish to be heard Note: 9

15. Officer to prepare 2nd Report to Council

16. Cont. on P2
REPORT OPENING TO TRAFFIC

INTENT: To provide legal vehicle access to property

TIMING

Applicant

Public

Assets Department

Council

DELWP

Depot

NOTES / COMMENTS

10. - Council Resolution to declare the road to be a public highway. Directs that a notice be placed in the Government Gazette.

11. - Department of Environment, Land, Water & Planning (DELWP) – to contact licensee to remove Agricultural licence under their process.

12. - A Section 173 Agreement under the Planning and Environment Act 1989 for the construction of the road in accordance with IDM and undertake maintenance of the subject road for 12 month defect liability period.

13. - Gazette is achieved through the sending of a notice to the Office of the Government Gazette. Gazettes are published weekly on Thursdays. Notices are required to be submitted by 9.30am on the previous Tuesday.

14. - Complete form for adding road to road register - #Trim

15. - NES - Notification and Editing Service SGSC Maps updated by Technical officer.

16. - Does road need to be named? Refer to Road Naming Process Map.

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Date Created: 29 September 2011

Last updated: 11/05/2015

Road Opening to Traffic

Cont’d from page 1

Report to be prepared 5 weeks before Council Meeting

Advise applicant that road is not to be opened

END

Advise applicant that road is approved for opening and Council is in the process of preparing the 173 Agreement Note: 12

Council forwards letter to DELWP advising that road is required for public use & any Licence should be removed – Note: 11

DEWLP advises that licence has been cancelled

Letter to applicant

Prepare 173 Agreement for execution and registration Note: 12

Ensure road is constructed in accordance with 173 Agreement Note: 12

Gazette road as a public road Note: 10 & 13

Advise Assets Systems Administrator to add:
- Road segment to road register – Note: 14
- Public road register
- Road inspection register

Advise Technical Officer for:
- Road Naming – Note: 16
- NES - Land Data update – Note: 15
- Maps – SGSC updated - Note: 15

End

Road Inspection register

S173 to comply with 12 months Defect Liability period

Gazette Notice 4 Days

DELWP process

Advise Technical Officer for:
- Road Naming – Note: 16
- NES - Land Data update – Note: 15
- Maps – SGSC updated - Note: 15