

Road Management Act 2004
**Road Management (Works and
Infrastructure) Regulations 2005 No. 62**



Anstat consolidation incorporating amendments
up to S.R. 2005 No. 62

The Governor in Council makes the following Regulations:

Dated: 21 June 2005

Responsible Minister:
PETER BATCHELOR
Minister for Transport

RUTH LEACH
Acting Clerk of the Executive Council

PART 1—PRELIMINARY

1. Objectives



The objectives of these Regulations are—

- (a) to prescribe exemptions from the requirement to obtain consent under section 63(1) of the **Road Management Act 2004** before conducting certain works;
- (b) to prescribe exemptions from the requirement to give notice as to the conduct or completion of certain works;
- (c) to prescribe restrictions on the powers of a coordinating road authority to impose conditions on consents given under section 63(1) of the **Road Management Act 2004**;
- (d) to vary periods referred to in Schedule 7 to the **Road Management Act 2004** within which certain notices must be given or consent is to be taken to have been given;

Road Management (Works and Infrastructure) Regulations
2005 No. 62

- (e) to prescribe particulars for the purpose of clause 16 of Schedule 7 to the **Road Management Act 2004**;
- (f) to prescribe fees for applications under Schedule 7 to the **Road Management Act 2004** for written consent to the conduct of proposed works on a road.

2. Authorising provision

These Regulations are made under section 132 of the **Road Management Act 2004**.

3. Commencement

These Regulations come into operation on 1 July 2005.

4. Definitions

In these Regulations—

"agent", in relation to a utility, a responsible road authority, the Metropolitan Fire and Emergency Services Board or the Country Fire Authority, means a person authorised in writing by the utility, Authority, Board or Authority to conduct works on its behalf;

"driveway works" means the installation, maintenance or repair of a physical means of entry or exit for vehicles from adjoining land to a roadway;

"minor works" means—

- (a) works consisting of—
 - (i) the installation, repair or maintenance of aerial cables or other overhead non-road infrastructure; or
 - (ii) the connection of a consumer to a service provided by, or intended to be provided by, a utility—
other than supply extension works;
- (b) works consisting of the repair or maintenance of street lighting;
- (c) works consisting of the excavation of—
 - (i) any part of a road other than a roadway, pathway or shoulder; or

Road Management (Works and Infrastructure) Regulations
2005 No. 62

- (ii) an area of a roadway, pathway or shoulder not exceeding 8.5 square metres;
- (d) works consisting of using an access hole for the purpose of accessing, repairing or maintaining infrastructure under a road;
- (e) works consisting of the installation, repair or maintenance of traffic control items carried out in accordance with the **Road Safety Act 1986** and the regulations made under that Act;
- (f) works consisting of—
 - (i) the repair or maintenance of poles; or
 - (ii) the replacement of a single pole in an urban area (not being part of a replacement of 2 or more consecutive poles); or
 - (iii) the replacement or relocation of not more than 3 poles in an area other than an urban area (not being part of a replacement or relocation of more than 3 consecutive poles);
- (g) works consisting of the pruning of a tree or other vegetation;
- (h) works consisting of the removing of a tree or other vegetation—
 - (i) by a road authority or an agent of a road authority; or
 - (ii) by a utility or an agent of a utility in accordance with an Act other than the **Road Management Act 2004**;
- (i) works, other than works referred to above, conducted for the purpose of repair, inspection, operation or testing of an asset or for the purposes of a survey—

but does not include works that consist of, or include, the excavation of an area of a roadway, pathway or shoulder that exceeds 8.5 square metres;

Road Management (Works and Infrastructure) Regulations
2005 No. 62

"supply extension works" means the connection of a consumer to a service provided, or intended to be provided, by a utility—

- (a) in an urban area by means of—
 - (i) underground works over a distance exceeding 100 metres; or
 - (ii) overhead works involving the installation of more than one additional pole;
- (b) in any other area, by means of—
 - (i) underground works over a distance exceeding 300 metres; or
 - (ii) overhead works involving the installation of more than 3 additional poles;

"traffic impact works" means works—

- (a) conducted—
 - (i) on a freeway; or
 - (ii) on an arterial road and that require the deviation of vehicular traffic into an on-coming traffic lane; or
 - (iii) in a clearway when it is in operation; or
 - (iv) on, or partly on, or that affect, a bridge or other structure; or
- (b) that require the closure to vehicular traffic of a part of a roadway for a continuous period of more than 12 hours or for more than 24 hours in 7 days; or
- (c) that have a significant impact on road safety, traffic or other infrastructure.

PART 2—EXEMPTIONS

5. Exemption from requirement to obtain consent for, or give notice of completion of, minor works, other than traffic impact works

- (1) A person to whom this regulation applies—
 - (a) is exempt from the requirement under section 63(1) of the **Road Management Act 2004** to obtain the written consent of the relevant coordinating road authority for minor works, other than traffic impact works; and
 - (b) is exempt from the requirement under clause 13(1) to Schedule 7 to the **Road Management Act 2004** to give notice to the relevant coordinating road authority as to the completion of minor works other than—
 - (i) traffic impact works; and
 - (ii) works consisting of, or including, the excavation of any part of a roadway, pathway or shoulder, other than an excavation associated only with the repair, maintenance, installation or replacement of a pole.
- (2) This regulation applies to a utility, an agent of a utility, a responsible road authority and an agent of a responsible road authority.

6. Exemption for fire authorities from requirement to obtain consent

- (1) A person to whom this regulation applies is exempt from—
 - (a) the requirement under section 63(1) of the **Road Management Act 2004** to obtain the written consent of the relevant coordinating road authority for works consisting of the inspection or maintenance of water valves under its management, not being works that have a significant impact on road safety, traffic or other infrastructure; and
 - (b) the requirement under clause 13(1) of Schedule 7 to that Act to give notice to the relevant coordinating road authority as to the completion of such works.

Road Management (Works and Infrastructure) Regulations
2005 No. 62

- (2) This regulation applies to the Metropolitan Fire and Emergency Services Board, an agent of the Board, the Country Fire Authority and an agent of the Authority.

7. Exemption from requirement to obtain consent in relation to pathway works

- (1) A person to whom this regulation applies—
- (a) is exempt from the requirement under section 63(1) of the **Road Management Act 2004** to obtain the written consent of the relevant coordinating road authority for works consisting of the construction, repair or maintenance of a pathway, other than works that have a significant impact on road safety, traffic or other infrastructure; and
 - (b) is exempt from the requirement under clause 13(1) to Schedule 7 of that Act to give notice to the relevant coordinating road authority as to the completion of such works.
- (2) This regulation applies to a responsible road authority and an agent of a responsible road authority.

8. Exemption from requirement to obtain consent in respect of certain agreed works

A person who undertakes works in accordance with an agreement or requirement under clause 18 of Schedule 7 to the **Road Management Act 2004** is exempt from the requirement under section 63(1) of that Act to obtain the written consent of the relevant coordinating road authority for those works.

9. Period within which utility must give notice of completion of certain works

- (1) For the purposes of clause 13 of Schedule 7 to the **Road Management Act 2004**, the period within which a person to whom this regulation applies must give notice of the completion of works, is the period ending on the 14th day of the month next following the completion of the works.
- (2) This regulation applies to a utility, or the agent of a utility, in respect of works where the utility or agent is exempt from the requirement under section 63(1) of the **Road Management Act 2004** to obtain the written consent of the relevant coordinating road authority for the conduct of those works but is not exempt from the requirement to give notice of the completion of the works.

10. Coordinating road authority may give exemption from requirement to give notice of completion of works

Where a co-ordinating road authority gives written consent under section 63(1) of the **Road Management Act 2004** to a person for the conduct of works, it may exempt that person from the requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those works.

11. Exemption from requirement to give notice under clause 7 of Schedule 7

- (1) A person to whom this regulation applies is exempt from the requirement under clause 7 of Schedule 7 to the **Road Management Act 2004** to give notice to the relevant coordinating road authority of any proposed installation of non-road infrastructure or related works on the road reserve.
- (2) This regulation applies to a utility, an agent of a utility, a responsible road authority and an agent of a responsible road authority.

12. Exemptions in respect of driveway works or mowing

A person is exempt from—

- (a) the requirement under section 63(1) of the **Road Management Act 2004** to obtain the written consent of the coordinating road authority for the conduct of works consisting of—
 - (i) driveway works giving access to an arterial road; or
 - (ii) mowing any part of a roadside, other than a roadside on a freeway—
being works that do not have a significant impact on road safety, traffic or other infrastructure; and
- (b) the requirement under clause 13(1) of Schedule 7 to that Act to give notice to the relevant coordinating road authority as to the completion of such driveway works or mowing.

13. Term of exemption

- (1) Subject to sub-regulation (2), this Part ceases to have effect on 1 January 2008.
 - (2) If works are commenced before 1 January 2008 and an exemption under this Part applies in respect of them, that exemption continues to apply until 31 March 2008.
-

PART 3—CONSENTS

14. Certain conditions not to be imposed on consents

- (1) A coordinating road authority must not impose on a consent given under section 63(1) of the **Road Management Act 2004**—
 - (a) a condition relating to visual amenity or aesthetics unless the condition relates to road infrastructure;
 - (b) a condition relating to the technical design of, or the equipment or techniques used in the installation of, a service provided by a utility;
 - (c) a condition that is not reasonably relevant to the conduct of the works;
 - (d) a condition requiring non-road infrastructure that would normally be placed above ground to be placed under a road;
 - (e) a condition relating to environmental impact considerations other than in relation to the matters referred to in clause 14 of Schedule 7 to the **Road Management Act 2004**;

Note: Authorised uses of road reserves must be managed to protect and preserve existing significant roadside vegetation and sites of biological significance. See clause 14(3)(g) of Schedule 7 to the **Road Management Act 2004**.
 - (f) a condition requiring an indemnity other than an indemnity in respect of the conduct of the works that does not extend beyond a 12 month warranty period.
- (2) A coordinating road authority must not impose on a consent given to a utility under section 63(1) of the **Road Management Act 2004** a condition relating to financial security in respect of the conduct of the works, other than an indemnity in respect of the conduct of the works that does not extend beyond a 12 month warranty period.
- (3) Any dispute arising under this regulation between 2 or more road authorities is to be determined by the relevant road Minister or his or her nominee or by the relevant road Ministers or their joint nominees.

Road Management (Works and Infrastructure) Regulations
2005 No. 62

- (4) Any dispute arising under this regulation between a road authority and a utility is to be determined by the relevant road Minister and the relevant utility Minister or their joint nominees having regard to the works and infrastructure management principles.

15. Prescribed particulars—Schedule 7, clause 16(3)

The particulars that must be included in an application for written consent to the conduct of proposed works that may affect non-road infrastructure which is the responsibility of an infrastructure manager or works manager other than the applicant are—

- (a) particulars of any proposed traffic management plan in accordance with clause 3 of Schedule 7 to the **Road Management Act 2004**;
- (b) particulars of notices given to other infrastructure managers or works managers in accordance with clause 8 of Schedule 7 to the **Road Management Act 2004**;
- (c) particulars of consultations conducted in accordance with clause 10 of Schedule 7 to the **Road Management Act 2004**.

PART 4—GENERAL

16. Prescribed period—Schedule 7, clause 13

The period within which notice is to be given under clause 13(1) of Schedule 7 to the **Road Management Act 2004** is 7 business days.

17. Prescribed period—Schedule 7, clause 17

The relevant period for the purposes of clause 17 to Schedule 7 to the **Road Management Act 2004** in relation to an application by a utility for written consent to the conduct of works—

- (a) consisting of supply extension works is 15 business days;
- (b) consisting of the connection of a consumer to a service provided by, or intended to be provided by, the utility (not being supply extension works) is 3 business days.

PART 5—FEES

18. Fees for applications for consent

- (1) The fee for an application under clause 16 of Schedule 7 to the **Road Management Act 2004** for written consent to the conduct of proposed works on a road referred to in column 1 of the Table in the Schedule is the fee specified in column 2 of that Table applicable to the class of works referred to in the application.
 - (2) A co-ordinating road authority may waive the whole or any part of a fee if it considers that the application and any certificates, endorsements or other documents accompanying the application provide sufficient confirmation that satisfactory preparatory arrangements have been made for the conduct of the works or part of them.
-

PART 6—SAVINGS AND TRANSITIONAL

19. Exemptions given under interim regulations

If a coordinating road authority has in accordance with regulation 10 of the Road Management (Works and Infrastructure) (Interim) Regulations 2004 exempted a person from the requirement under clause 13(1) of Schedule 7 to the **Road Management Act 2004**, that exemption is to be taken to have been given in accordance with regulation 10 of these Regulations.

Road Management (Works and Infrastructure) Regulations
2005 No. 62

SCHEDULE

THE TABLE

<i>Column 1</i>	<i>Column 2</i>			
	<i>Works, other than minor works</i>		<i>Minor works</i>	
	<i>Conducted on, or on any part of, the roadway, shoulder or pathway</i>	<i>Not conducted on, or on any part of, the roadway, shoulder or pathway</i>	<i>Conducted on, or on any part of, the roadway, shoulder or pathway</i>	<i>Not conducted on, or on any part of, the roadway, shoulder or pathway</i>
Freeway	45 fee units	32 fee units	25 fee units	10 fee units
Arterial road	45 fee units	25 fee units	11.5 fee units	10 fee units
Municipal road or non arterial State road on which the maximum speed limit for vehicles at any time is more than 50 kilometres per hour	45 fee units	25 fee units	11.5 fee units	5 fee units
Municipal road or non arterial State road on which the maximum speed limit for vehicles is not more than 50 kilometres per hour	20 fee units	5 fee units	11.5 fee units	5 fee units

Note: Fees are not payable in respect of minor works that do not require consent. See regulation 5. The fees are expressed as fee units in accordance with the **Monetary Units Act 2004**.

Road Management (Works and Infrastructure) Regulations
2005 No. 62

NOTES

1. The Road Management (Works and Infrastructure) Regulations 2005 No. 62 were made on 21 June 2005 and came into operation on 1 July 2005: reg. 3.
2. At the time of this release this Regulation had no amendments.
3. Regulation headings appear in bold and are not part of the Regulation. (See **Interpretation of Legislation Act 1984**.)
4. Where uncommenced amendments are incorporated in the text of this Regulation, matter to be omitted is in blue double underlined type and matter to be inserted is in red single underlined type.

Fee Units

These Regulations provide for fees by reference to fee units established under the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2005, is \$10.49. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Road Management (Works and Infrastructure) Regulations 2005 No. 62

Anstat consolidation incorporating amendments
up to S.R. 2005 No. 62

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Objective
2. Authorising provision
3. Commencement
4. Definitions

PART 2—EXEMPTIONS

5. Exemption from requirement to obtain consent for, or give notice of completion of, minor works, other than traffic impact works
6. Exemption for fire authorities from requirement to obtain consent
7. Exemption from requirement to obtain consent in relation to pathway works
8. Exemption from requirement to obtain consent in respect of certain agreed works
9. Period within which utility must give notice of completion of certain works
10. Coordinating road authority may give exemption from requirement to give notice of completion of works
11. Exemption from requirement to give notice under clause 7 of Schedule 7
12. Exemptions in respect of driveway works or mowing
13. Term of exemption

PART 3—CONSENTS

14. Certain conditions not to be imposed on consents
15. Prescribed particulars—Schedule 7, clause 16(3)

PART 4—GENERAL

16. Prescribed period—Schedule 7, clause 13
17. Prescribed period—Schedule 7, clause 17

PART 5—FEES

18. Fees for applications for consent

PART 6—SAVINGS AND TRANSITIONAL

19. Exemptions given under interim regulations

SCHEDULE—The Table

NOTES