



APPLICATION FOR OPENING OF UNUSED ROAD TO TRAFFIC

This application is consistent with the:

1. Local Government Act 1989 (Sections 204(2), 207A(c) and S223);
2. Road Management Act 2004;
3. Road Management Plan 2013;
4. Lands Act 1958;
5. Planning And Environment Act 1987

APPLICANT DETAILS

To:
(Coordinating Road
Authority)

South Gippsland Shire Council
9 Smith Street (Private Bag 4)
Leongatha 3953

Date: ____ / ____ / 20____
Permit Number:
Your Ref:

From:
(Applicant's Name)

Fee: \$ 664.00 (GST Inc.)

(ONLY for "Application for
Consent")

Postal Address:
(Applicant's Address)

City/Town:

State:

Postcode:

Contact Person:

Telephone (BH):

Facsimile:

Mobile:

Email:

- ☒ - **The Council will consider following criteria in processing this application for unused road opening. Please tick boxes below against each criteria.**
- ☐ - The proposed road provides primary access to the subject property.
- ☐ - There is no reasonable alternative access to the subject property.
- ☐ - The applicant is willing to enter into a Section 173 Agreement under the Planning and Environment Act 1989 for the construction of the road in accordance with Council's Infrastructure Design Manual (IDM) and undertake maintenance of the subject road for a 12 month defect liability period.
- ☐ - The construction of the road to the appropriate standards is not in an area covered by any Planning Scheme overlay. If it is, then a Planning Permit is needed in order to undertake road work.
- ☐ - The construction of the road to the appropriate standards is not severely affected by terrain or subject to flooding, that would result in exorbitant construction and maintenance costs.
- ☐ - The construction of the road does not involve removal of protected or significant vegetation.

Information to accompany application:





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This formal application is made by the applicant to enable Council to initiate assessment of the applicant's request to open the subject unused road to traffic.

To assist and expedite the Council's assessment of this application, the following information is required to accompany this application;

- A full site plan (prepared to survey standards, to scale and with dimensions) showing the land concerned and the exact area in respect of which the opening is sought.
- The particulars of all adjacent titles and roads.
- Extents of existing roads and other infrastructure surrounding the unused road.
- Details of the person or person's are known by the applicant to hold the grazing licenses issued under the Land Act 1958.
- Full particulars of the reasons for the request for road opening, noting that in circumstances such as these, Council would need to be satisfied that it is in the interests of the public that the road be duly opened.
- An undertaking to meet Council's reasonable costs of and incidental to any enquiry that may be carried out by Council.

Application Fee:

An Application Fee of \$632.00 is to be paid to the Council with this application.

Agreement to Apply:

If Council agrees to the request to open the unused road or part thereof the applicant will be required to enter into a Section 173 Agreement under the Planning and Environment Act 1987.

Under this Agreement the owner covenants with the Council the following requirements, which may be varied from time to time;

- The proposed road provides primary access only to the property as described.
- There is no reasonable alternative access to the property as described.
- The construction of the road to the appropriate standards is not severely affected by low lying areas that if land is within the area affected by "Land Subject to Inundation Overlay" in the Planning Scheme, then a Planning Permit is needed in order to undertake road work.
- Construction does not involve removal of native vegetation under South Gippsland Planning Scheme.
- The Road is to be constructed in accordance with Council's Infrastructure Design Manual.
- A Dial Before you Dig should be carried out before any works are started to establish if any service providers are affected by the works.
- The construction of the road should be completed prior to any building or construction works occurring on the land.





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- To maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with its Road Management Plan 2013.
- To undertake to close the road to travel during any time he is conducting maintenance works on the road which closure shall be by the erection of clearly visible barricades across the private driveway located on the carriageway easement.

Under this Agreement, with regard to the covenanted requirements, the owner shall be entitled to undertake maintenance works on the road exempt from obtaining a specific work authority under the Road Management Act 2004. It should also be noted that nothing in the Agreement vests any exclusivity of occupancy or use in the owner in respect of the road.





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Location Of Road To Be Opened – Property Address – (please refer to Page 2 for Conditions)

- Provide Brief Description and Locality Plan

