



Consent Application Process

WORKING IN THE ROAD RESERVE

Questions and Answers

Consent Application Process – Questions & Answers

	Question	Response
	Applying for Consent	
1.	I want to work in the Road Reserve. What do I need to do?	<p>Before any work can be undertaken in the Road Reserve you must obtain consent from the Coordinating Road Authority. If you are undertaking the works, you are the “works manager” as detailed in the Road Management Act and its Regulations.</p> <p>In certain circumstances, Utilities, Responsible Road Authorities, Fire Authorities and their agents may be exempt from applying for consent. These exemptions can be found by reference to the Road Management (Works and Infrastructure) Regulations 2005</p>
2.	Who are the Coordinating Road Authorities?	<p>As a general rule:</p> <p>Freeways and Arterial Roads - VicRoads</p> <p>Municipal Roads - Local Councils</p> <p>Non Arterial State Roads (e.g. Roads in National Parks) - Parks Victoria, Department of Sustainability and Environment.</p>
3.	Where can I go to find out to whom I must lodge an application?	<p>Approach your local Council or your VicRoads Regional office. Alternatively, information can be obtained from the Municipal Association of Victoria web site (www.mav.asn.au), the local Council web site or the VicRoads web site (www.vicroads.vic.gov.au).</p> <p>Consent application forms should be available from the local Council or VicRoads web sites.</p>
4.	What works in road reserves require consent?	<p>Consent is required for all works on, in, under or over a road.</p> <p>This includes:-</p> <ol style="list-style-type: none"> 1. excavate or break up the surface of the road; 2. erect a structure on, in or over a road; 3. removing or interfering with a structure on the road; 4. planting or removing a tree or other vegetation; 5. tunnelling under a road; 6. connecting a road to a road; 7. installing drains, pipes, cables, building shelters etc. on a road reserve; 8. erecting an obstruction on a road; 9. installing a driveway crossing; or 10. constructing a footpath. <p>Exemptions apply in certain circumstances. Refer to Question 1 above.</p>

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5.	What works are exempt from requiring consent?	<p>Exemptions from consent can be found by reference to the Road Management (Works and Infrastructure) Regulations 2005.</p> <p>Generally, exemptions from consent are available to Utilities and their agents and Road Authorities and their agents who are undertaking “minor works” that are not “traffic impact works”. Other exemptions from consent for works of a minor nature are available in certain circumstances. Reference should be made to the Road Management (Works and Infrastructure) Regulations 2005.</p>
6.	How do I apply for consent to work in a road reserve?	<p>An application for consent must be lodged with the Coordinating Road Authority. It is recommended that the standard application for consent form be used when making your application to the Coordinating Road Authority (Refer to Question 3 above). It outlines the details that are required and when completed in full, will supply sufficient information to allow the Coordinating Road Authority to assess your application.</p> <p>The form may be lodged in person, by mail or by e-mail to the Coordinating Road Authority responsible for the road where the works are proposed to be carried out. (Refer to the details provided in Question 3)</p>
7.	How should I pay my consent application fee?	<p>A consent application fee is expected to be paid in full at the time of lodgement of the application form. Coordinating Road Authorities may issue invoices under normal commercial terms to Utilities who have a high number of applications.</p>
8.	Can a Coordinating Road Authority charge a road opening fee or asset preservation fee for works in the road reserve in addition to the consent fee?	<p>With the introduction of the Road Management Act and the consequential amendments to the Local Government Act 2020, it is now inappropriate to charge Road Opening Fees for works in the Road Reserve. The consent application process (including the payment of fees) as set out in the Road Management Act provides the mechanism to manage and control all works in the Road Reserve.</p>
9.	The project is to be undertaken along a road that crosses two Coordinating Road Authority boundaries. To whom do I lodge an application?	<p>An application for consent must be lodged with all Coordinating Road Authorities where the works are proposed to be undertaken.</p>
10.	What do I need to include with my application?	<p>Applicants should complete the standard application form taking care to completely answer all questions. It is recommended that an application include:-</p> <ol style="list-style-type: none"> 1. a plan showing the extent of works 2. details of the location of the works.

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11.	What are “minor works”?	<p>“Minor Works” are works which have a relatively small impact on the road infrastructure within the road reserve. They have been defined in the Road Management (Works and Infrastructure) Regulations as</p> <ul style="list-style-type: none"> (a) works consisting of— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) any part of a road other than a roadway, pathway or shoulder; or (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— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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;

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12.	What are “supply extension works”?	<p>“Supply extension works” means the connection of a consumer to a service provided, or intended to be provided, by a utility—</p> <p>(a) in an urban area by means of—</p> <p>(i) underground works over a distance exceeding 100 metres; or</p> <p>(ii) overhead works involving the installation of more than one additional pole;</p> <p>(b) in any other area, by means of—</p> <p>(i) underground works over a distance exceeding 300 metres; or</p> <p>(ii) overhead works involving the installation of more than 3 additional poles;</p>
	Assessing the Application	
13.	How long does the Coordinating Road Authority have to consider my application?	<p>The Coordinating Road Authority has 20 business days to respond in writing to an application for consent unless varied by regulation. If the application is from a Utility, a written response must be received within 15 days for supply extension works and within 3 days for works 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 – refer Question 12).</p> <p>If the Coordinating Road Authority has not responded within the required time frame, consent is deemed to have been given.</p> <p>If a Coordinating Road Authority refuses to give consent, it must provide its reasons in writing.</p>
14.	Is the consent I receive from the Coordinating Road Authority likely to contain conditions?	<p>The Coordinating Road Authority may issue consent with or without conditions. If consent is issued with conditions, the works manager must observe those conditions as the works are undertaken.</p>
15.	How will I know I have approval to proceed with my works?	<p>The Coordinating Road Authority must make a decision within the prescribed timeframes and advise the applicant of the decision in writing. If no decision is made within the prescribed timeframes, consent is deemed to have been given and the works may proceed. If the Coordinating Road Authority refuses an application, it must give its reasons in writing.</p>
16.	Does the consent I obtained from the Coordinating Road Authority expire?	<p>Your application form proposed that the works be undertaken between a start and an end date. Consent, with or without conditions, will have been given based on the information provided on the application form so in effect the consent approval will end when the end date is passed. If you wish to extend consent beyond the end date you will need to negotiate with the Coordinating Road Authority.</p>
17.	Does the Coordinating Road Authority need to approve my traffic management plan?	<p>The Road Safety Act requires a traffic management plan to be in operation whilst the works are being undertaken on the road. It does not require the Coordinating Road Authority to approve the traffic management plan. It is the responsibility of the works manager to undertake the works safely (Section 99A of the Road Safety Act 1986).</p>

	Question	Response
	Undertaking the Works	
18.	When can I start work in the Road Reserve?	<p>The consent application form that was submitted to the Coordinating Road Authority must include proposed commencement and completion dates for the works. Once approval has been received, works may be undertaken between the start and end days indicated on the application form subject to any conditions of consent.</p> <p>This consent applies only to works under the Road Management Act. Applicants are advised to check other authorities regarding the need for any other approvals before works commence (refer to Question 19).</p>
19.	What other approvals may be needed before I can start work on the project?	<p>Other Authorities have jurisdiction over aspects of the road and road reserve in addition to the Coordinating Road Authority. Examples include:</p> <ul style="list-style-type: none"> • Local Planning Authority - Planning Permit requirements • Electricity Supply Company – No-Go zones around overhead electrical cables • Department of Sustainability and Environment – Vegetation Clearance
20.	If I wish to reduce the posted speed limit through the work site, what must I do?	<p>You cannot vary the speed limit unless you have obtained a Memorandum of Consent to vary the posted speed limit. This is a separate application process which is independent from the Road Management Act consent application.</p> <p>This application must be made to VicRoads as they are the only organisation which has the authority to approve changes to speed limits through construction sites (whether on freeways, arterial roads or municipal roads).</p>
21.	What if I wish to change the times and dates for construction after the consent application form has been lodged with the Coordinating Road Authority or consent obtained?	<p>The Coordinating Road Authority assesses the application based on the information provided. If there is a need to change the timing details, you should advise the Coordinating Road Authority as soon as possible so they can reassess the application. Timing issues generally relate to impact on the community, traffic or significant local events.</p> <p>If consent has already been given, it may be possible to negotiate a change to the consent conditions without the need for a new application.</p>
22.	How must the work be undertaken?	<p>You must take reasonable steps to:-</p> <ol style="list-style-type: none"> 1. Minimise disruption to traffic; 2. Minimise damage to roads and other infrastructure; 3. Ensure the safety of the works; 4. Conduct works as quickly as possible; 5. Protect and preserve roadside vegetation; 6. Make adequate provisions for people with disabilities; 7. Comply with any conditions included on the written consent.

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23.	Do I need to work safely?	<p>A works manager and his team working in the road reserve must ensure that the works are conducted in a manner that is safe for road users and persons engaged in carrying out those works.</p> <p>The works manager must have:-</p> <ol style="list-style-type: none"> 1. In operation a Traffic Management Plan 2. Give appropriate warnings to road users 3. Engage appropriately qualified and trained people 4. Give appropriate directions to those engaged in the works.
24.	What is a Traffic Management Plan?	<p>The Code of Practice for Worksite Safety – Traffic Management has been developed to assist in the preparation of Traffic Management Plans.</p> <p>A Traffic Management Plan must be prepared for all works on roads and comply with any requirements included in the conditions of consent from the Coordinating Road Authority.</p> <p>Copies of this Code can be downloaded over the internet from the VicRoads web site (www.vicroads.vic.gov.au).</p>
25.	Who is responsible for reinstatement of the road?	<p>The works manager, being the person or organisation who undertakes the works on the road, is responsible for reinstatement of the road after works have been completed.</p>
26.	What reinstatement standards must I adhere to?	<p>Roads must be reinstated to a standard that is as nearly as is reasonably practicable to an equivalent standard of quality and design as before the works commenced.</p> <p>To assist works managers understand what is required, VicRoads has a standard specification section 706 for use on Arterial Roads. It is available from their Regional Offices.</p> <p>Local Councils generally have their own local standards on local roads. If they are not available, works managers are referred to AUSPEC#2 Section 306 for reinstatement requirements on local roads.</p>
27.	What happens if I do not reinstate the road properly?	<p>The Coordinating Road Authority has the power to require you to reinstate the road to a standard similar to before the works commenced. If you do not reinstate the road to a satisfactory standard, the Coordinating Road Authority may undertake the reinstatement works itself and recover the cost for doing so from you.</p>
28.	Who is responsible for the works undertaken in the road reserve?	<p>Works undertaken in a road reserve are the responsibility of the works manager undertaking those works. If a works manager is undertaking the works on behalf of an infrastructure manager (such as a Utility) the infrastructure manager shares that responsibility.</p> <p>Repairs to roads damaged during the works are also the responsibility of the infrastructure manager or works manager. Works managers may request the local Council to reinstate the road after works are complete, but unless the Council agrees to complete the reinstatement, they remain the responsibility of the infrastructure manager or works manager.</p>

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29.	Who is responsible for surveillance of work in road reserves?	<p>The Road Management Act places a requirement on the works manager to ensure that all work and reinstatement is completed in accordance with the Act and any conditions placed on the consent.</p> <p>When an infrastructure manager has initiated the works, the infrastructure manager has the responsibility for on site surveillance.</p> <p>However, the consent application process and fee provides a mechanism for the Coordinating Road Authority to be informed of what is happening on its road network and to inspect works as they proceed. The Act also allows a Coordinating Road Authority to appoint Authorised Officers who can issue infringement notices if compliance with Road Management Act requirements are not achieved.</p>
30.	What can I do if I observe unsafe work practices at a worksite?	<p>WorkSafe Victoria is charged with encouraging and enforcing worksite safety. They have trained officers who can respond in these circumstances. If the site is of serious concern, the matter should be reported to WorkSafe. WorkSafe can be contacted by phone on 1800 136 089.</p>
	Completion of Works	
31.	How must I leave the job?	<p>You must ensure that the road and any other infrastructure is reinstated as nearly as reasonably practicable to the condition existing before the works commenced.</p>
32.	Do I need to notify the Coordinating Road Authority when I have completed the works?	<p>As a works manager you must within 7 days of completing any works, including any reinstatement works, notify the relevant Coordinating Road Authority that the works have been completed.</p> <p>The Road Management (Works & Infrastructure) Regulations allow a Utility to provide written notification of completion of works to the Coordinating Road Authority by the 14th day of the month next following completion of the works when they have undertaken minor works on a roadway, pathway or shoulder that did not involve traffic impact works.</p>