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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; and

(b) to prescribe exemptions from the requirement to give notice as to the conduct or completion of certain works; and

(c) to prescribe restrictions on the powers of a coordinating road authority to impose conditions on consents given under clause 16.
of Schedule 7 to the **Road Management Act 2004**; and

(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; and

(e) to prescribe particulars for the purpose of clause 16 of Schedule 7 to the **Road Management Act 2004**; and

(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 20 June 2015.

4 **Revocation**

The following Regulations are **revoked**—

(a) the Road Management (Works and Infrastructure) Regulations 2005¹;

(b) the Road Management (Works and Infrastructure) (Amendment) Regulations 2007²;

(c) the Road Management (General) and Road Management (Works and Infrastructure) Amendment Regulations 2009³.
5 Definitions

In these Regulations—

agent, in relation to a utility, a provider of public transport, a responsible road authority, the Metropolitan Fire and Emergency Services Board or the Country Fire Authority, means a person authorised in writing by one of these bodies to conduct works on its behalf;

bus lane has the same meaning as in rule 154(2) of the Road Safety Road Rules 2009;

children's crossing has the same meaning as in rule 80(6) of the Road Safety Road Rules 2009;

clearway has the same meaning as in rule 176 of the Road Safety Road Rules 2009;

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 has the meaning given by regulation 6;

peak hour traffic works has the meaning given by regulation 7;

service extension works has the meaning given by regulation 8;

service road has the same meaning as in the Road Safety Road Rules 2009;

the Act means the Road Management Act 2004;

traffic impact works means—
(a) works conducted—
(i) on a freeway; or
(ii) on an arterial road 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) in a bus lane when it is in operation; or

(v) on, or partly on, or that affect, a bridge or other structure; or

(vi) on a roadway within 20 metres either side of a children's crossing when that crossing is in operation, unless parking is permitted within 20 metres either side of the crossing and the works are conducted on that parking area; or

(vii) within a road reserve on, or in the vicinity of, a level crossing within the meaning of section 221U of the Transport (Compliance and Miscellaneous) Act 1983; or

(b) peak hour traffic works; or

(c) works that require a part of a roadway, other than a part on which parking is permitted, to be closed to vehicular traffic for—

(i) a continuous period of more than 12 hours; or

(ii) for a period of more than 24 hours in 7 days; or

(d) works that require the cancellation, deviation to a different road or replacement, of a tram or bus operated by a provider of public transport; or
(e) works conducted on a road in an urban area within metropolitan Melbourne, Geelong, Ballarat or Bendigo—

(i) that are likely to have a duration of more than 15 minutes; and

(ii) that are likely to cause a delay to a bus or tram for more than 2 minutes between 6 a.m. and 9 a.m. or 3 p.m. and 7 p.m. on a weekday; or

(f) works conducted on a road in an urban area within metropolitan Melbourne, Geelong, Ballarat or Bendigo—

(i) that are likely to have a duration of more than 2 hours; and

(ii) that are likely to cause a delay to a bus or tram for more than 5 minutes between 9 a.m. and 3 p.m. on a weekday; or

(g) works that cause the temporary closure or relocation of a bus stop or tram stop or prevent access to a bus stop or tram stop in an urban area for more than 15 minutes; or

(h) works conducted in an urban area, between 6 a.m. and 8 p.m., on the roadway of an arterial road, within 100 metres of an intersection with traffic signals, which require the closure to vehicular traffic of one or more lanes on that roadway that are available to through traffic; or

(i) works conducted in circumstances to which a declaration under regulation 9 applies.
6 Meaning of minor works

(1) **Minor works** are any of the following kinds of works undertaken by a utility, a provider of public transport, a responsible road authority or an agent of any of these bodies—

(a) the installation, repair or maintenance of aerial cables or other overhead non-road infrastructure;

(b) works undertaken so as to enable a person to be provided a service by a utility;

(c) the repair or maintenance of—

(i) street lighting; or

(ii) bus stop infrastructure, tram stop infrastructure or other public transport related non-road infrastructure located on the roadside; or

(iii) tram tracks, including the roadway area between and on the outside of the tram tracks for which the relevant provider of public transport is responsible;

(d) the excavation of—

(i) any part of a road other than a roadway, pathway or shoulder; or

(ii) an area of a roadway, pathway or shoulder;

**Note**

Regulation 6(2)(b) provides that if works under regulation 6(1)(d)(ii) also exceed 8.5 square metres, these works are not minor works.

(e) the use of an access hole for the purpose of accessing, repairing or maintaining infrastructure under a road;
(f) the installation, repair or maintenance of traffic control devices carried out in accordance with the Road Safety Act 1986 or any regulations made under that Act;

(g) the repair or maintenance of poles;

(h) the replacement or relocation of a single pole in an urban area (unless those works are part of works to replace or relocate 2 or more consecutive poles);

(i) the replacement or relocation of not more than 3 poles in an area other than an urban area (unless those works are part of works to replace or relocate more than 3 consecutive poles);

(j) the pruning of a tree or other vegetation;

(k) the removal of a tree or other vegetation in accordance with any Act other than the Act;

(l) any other works conducted for the purpose of repairing, inspecting, operating or testing an asset or for the purpose of a survey.

(2) If any of the works listed in subregulations (1)(a) to (l) also consist of, or include any of the following works, these works are not minor works—

(a) service extension works;

(b) the excavation of an area of a roadway, pathway or shoulder exceeding 8.5 square metres;

(c) works undertaken by a utility to decommission or remove, by excavating or filling any part of a road, non-road infrastructure (other than poles, aerial cables or other overhead non-road infrastructure)—
(i) that is located longitudinally within a road reserve—
   (A) over a distance exceeding 100 metres in an urban area; or
   (B) over a distance exceeding 300 metres in any other area; or
(ii) that is located under a roadway, pathway or shoulder and the works require the excavation of more than 8·5 square metres of that roadway, pathway or shoulder; or
(iii) that affects road-related infrastructure.

7 Meaning of peak hour traffic works

Works conducted on a roadway are peak hour traffic works if the works are conducted between 6 a.m. and 9 a.m. or between 3 p.m. and 7 p.m. on a weekday on a roadway of an arterial road in an urban area (other than a roadway that is a service road) and any of the following paragraphs apply—

(a) the roadway has one lane for vehicular traffic to travel in each direction and the works are conducted in any lane and result in vehicular traffic in that lane during that time being continuously stopped for more than 5 minutes;

(b) the roadway has more than one lane for vehicular traffic to travel in each direction and the works are conducted in one or more (but not all) of the lanes that are for travel in one direction and result in vehicular traffic in those lanes during that time being continuously stopped for more than 15 minutes;
(c) the roadway has more than one lane for vehicular traffic to travel in each direction and the works are conducted in all of the lanes that are for travel in one direction and result in vehicular traffic in those lanes during that time being stopped for any period of time.

8 Meaning of service extension works

_Service extension works_ are works specified in column 2 of the Table that are undertaken by a utility or an agent of a utility in the area specified in column 3 of that Table opposite those works for the purpose of—

(a) extending non-road infrastructure owned, operated or controlled by that utility; or

(b) enabling a person to be provided a service by a utility.

<table>
<thead>
<tr>
<th>Item</th>
<th>Works</th>
<th>Area</th>
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<tr>
<td>1</td>
<td>Works involving the installation of non-road infrastructure under an area of road that spans a distance exceeding 100 metres in length</td>
<td>an urban area</td>
</tr>
<tr>
<td>2</td>
<td>Works involving the installation of more than one additional pole</td>
<td>an urban area</td>
</tr>
<tr>
<td>3</td>
<td>Works involving the installation of non-road infrastructure under an area of road that spans a distance exceeding 300 metres in length</td>
<td>any area other than an urban area</td>
</tr>
<tr>
<td>4</td>
<td>Works involving the installation of more than 3 additional poles</td>
<td>any area other than an urban area</td>
</tr>
</tbody>
</table>
9 Declared traffic impact works

(1) A relevant Minister, after considering the advice of the Infrastructure Reference Panel, by notice published in the Government Gazette may declare that works conducted in circumstances set out in the declaration are traffic impact works, if that Minister is satisfied that works conducted in those circumstances may have a significant impact on road safety, traffic or other infrastructure.

Note
Declared traffic impact works are not exempt under regulation 10 from the need to obtain prior written consent for works from the relevant coordinating road authority.

(2) A notice under subregulation (1) may apply—

(a) to a specified road or class of roads; or

Example
A declaration may apply to—
• a named road, or a specified part of a named road; or
• roads which are public transport routes.

(b) to a specified area or part of an area or a specified part of a road or class of roads; or

Example
A declaration may apply to the following types of areas—
• certain lanes of a multilane road;
• areas with a prevailing speed limit above or below a specified speed;
• areas within school zones.

(c) at specified times; or

Example
A declaration may apply—
• between stated hours; or
• to specified days; or
• to periods during which bus lanes or other specified traffic controls are in operation.

d) in other specified circumstances relating to the impact of works on road safety, traffic or other infrastructure.

Example
A declaration may apply to—
• works which may affect road safety, such as works requiring the use of certain kinds of equipment, or
• works which may affect traffic, such as works involving the imposition of specified kinds of traffic control measures.
Part 2—Exemptions

10 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 Act to obtain the written consent of the relevant coordinating road authority for minor works that are not traffic impact works; and

(b) is exempt from the requirement under clause 13(1) of Schedule 7 to the Act to give notice to the relevant coordinating road authority as to the completion of minor works that are not—

(i) traffic impact works; or

(ii) works that consist of, or include, the excavation of any part of a roadway, pathway or shoulder, other than an excavation conducted solely to repair, maintain, install or replace a single pole in an urban area or no more than 3 poles in any other area.

(2) This regulation applies to—

(a) a utility or an agent of a utility; or

(b) a provider of public transport or an agent of a provider of public transport; or

(c) a responsible road authority or an agent of a responsible road authority.
11 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 Act to obtain the written consent of the relevant coordinating road authority for works consisting of the inspection or maintenance of water valves or fire hydrants, that are not traffic impact works; and

(b) the requirement under clause 13(1) of Schedule 7 to the Act to give notice to the relevant coordinating road authority as to the completion of such works.

(2) This regulation applies to—

(a) the Metropolitan Fire and Emergency Services Board or an agent of the Board; or

(b) the Country Fire Authority or an agent of the Authority; or

(c) a water corporation established under section 85 of the Water Act 1989 or an agent of that water corporation.

12 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 Act to obtain the written consent of the relevant coordinating road authority for works consisting of the construction, repair or maintenance of a pathway that are not traffic impact works; and
(b) is exempt from the requirement under clause 13(1) of Schedule 7 to the 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 or an agent of a responsible road authority.

13 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 Act is exempt from the requirement under section 63(1) of the Act to obtain the written consent of the relevant coordinating road authority for those works.

14 Period within which utility or provider of public transport must give notice of completion of certain works

(1) For the purposes of clause 13 of Schedule 7 to the Act, 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, an agent of a utility, a provider of public transport or an agent of a provider of public transport that is exempt from the requirement under section 63(1) of the Act to obtain the written consent of the relevant coordinating road authority for the works but is not exempt from the requirement to give notice of the completion of the works.
15  Coordinating road authority may give exemption from requirement to give notice of completion of works

If a coordinating road authority gives written consent under clause 16(5) of Schedule 7 to the Act to a person for the conduct of works, it may exempt that person from the requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works.

16  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 Act 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) a utility or an agent of a utility; or

(b) a provider of public transport or an agent of a provider of public transport; or

(c) a responsible road authority or an agent of a responsible road authority.

17  Exemptions in respect of driveway works or mowing

A person is exempt from—

(a) the requirement under section 63(1) of the Act to obtain the written consent of the coordinating road authority for the conduct of works that are not traffic impact works and that consist of—

(i) driveway works giving access to an arterial road; or

(ii) mowing any part of a roadside; and
(b) the requirement under clause 13(1) of Schedule 7 to the Act to give notice to the relevant coordinating road authority as to the completion of such works.
Part 3—Consents

18 Certain conditions not to be imposed on consents

(1) A coordinating road authority must not impose on a consent it gives under clause 16(5) of Schedule 7 to the Act—

(a) a condition relating to visual amenity or aesthetics unless the condition relates to road infrastructure; or

(b) a condition relating to the technical design of, or the equipment or techniques used in the installation of, non-road infrastructure by a utility or a provider of public transport; or

(c) a condition that is not reasonably relevant to the conduct of the proposed works; or

(d) a condition requiring non-road infrastructure that would normally be placed above ground to be placed under a road; or

(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 Act; or

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 Act.

(f) a condition requiring an indemnity in respect of the conduct of the proposed works that extends beyond a 12-month warranty period.
(2) A coordinating road authority must not impose on a consent it gives to a provider of public transport, a responsible road authority or utility or an agent of any of these bodies under clause 16 of Schedule 7 to the Act, a condition relating to financial security in respect of the conduct of the proposed works.

19 Prescribed particulars—Schedule 7, clause 16(3)

For the purposes of clause 16(3) of Schedule 7 to the Act, 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 notices given, or proposed to be given, to other infrastructure managers or works managers in accordance with clause 8 of that Schedule; and

(b) particulars of consultations conducted in accordance with clause 10 of that Schedule.
Part 4—General

20 Prescribed period—Schedule 7, clause 13

Subject to regulation 14, the period within which notice must be given under clause 13(1) of Schedule 7 to the Act is 7 business days.

21 Prescribed period—Schedule 7, clause 17

The relevant period for the purposes of clause 17 of Schedule 7 to the Act in relation to an application by a utility or an agent of a utility for written consent to the conduct of works is—

(a) in the case of service extension works, 15 business days; and

(b) in the case of works undertaken by a utility to enable a person to be provided a service by a utility that are traffic impact works and are not service extension works, 3 business days.
Part 5—Fees

22 Fees for applications for consent

(1) The fee for an application under clause 16 of Schedule 7 to the Act for written consent to the conduct of proposed works on a road referred to in column 1 of the Table in Schedule 1 is the relevant fee specified in column 2 of that Table in relation to the proposed works.

(2) A coordinating 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.
Schedule 1—Fees for applications for consent to the conduct of proposed works

Regulation 22(1)

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Works (other than minor works conducted by a person referred to in regulation 10(2) that are traffic impact works)</strong></td>
<td><strong>Minor works conducted by a person referred to in regulation 10(2) that are traffic impact works</strong></td>
</tr>
<tr>
<td>Conducted on, or on any part of, the roadway, pathway or shoulder</td>
<td>Not conducted on, or on any part of, the roadway, pathway or shoulder</td>
</tr>
<tr>
<td>Conducted on, or on any part of, the roadway, pathway or shoulder</td>
<td>Not conducted on, or on any part of, the roadway, pathway or shoulder</td>
</tr>
<tr>
<td>Freeway</td>
<td>43.2 fee units</td>
</tr>
<tr>
<td>Arterial road</td>
<td>43.2 fee units</td>
</tr>
<tr>
<td>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</td>
<td>43.1 fee units</td>
</tr>
</tbody>
</table>

Authorised by the Chief Parliamentary Counsel
Schedule 1—Fees for applications for consent to the conduct of proposed works

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Works (other than minor works conducted by a person referred to in regulation 10(2) that are traffic impact works)</td>
<td>Minor works conducted by a person referred to in regulation 10(2) that are traffic impact works</td>
</tr>
<tr>
<td>Conducted on, or on any part of the roadway, pathway or shoulder</td>
<td>Conducted on, or on any part of the roadway, pathway or shoulder</td>
</tr>
<tr>
<td>Not conducted on, or on any part of the roadway, pathway or shoulder</td>
<td>Not conducted on, or on any part of the roadway, pathway or shoulder</td>
</tr>
<tr>
<td>Municipal road or non-arterial State road on which the maximum speed limit for vehicles is not more than 50 kilometres per hour</td>
<td>23·5 fee units</td>
</tr>
</tbody>
</table>

**Note**

Fees are not payable in respect of works that do not require consent. See regulations 10, 11, 12, 13 and 17. The fees are expressed as fee units in accordance with the Monetary Units Act 2004.
Endnotes


Fee Units

These Regulations provide for fees by reference to fee units within the meaning of 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 2014 is $13.24. 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.