



Public Road Register Policy

Category: Strategic
Adoption: Council/CEO Date: Proposed May 2020
Review Period: Align with Council Elections
Responsible Manager: Manager Infrastructure
Signed by CEO:
Date:

1. Purpose

The Road Management Act (the Act) places a mandatory requirement for road authorities, to keep a register of public roads for which it is the coordinating road authority. (S, 19(1))

The purpose of this policy is to;

- Ensure that all matters that are required to be contained in the Public Road Register are included in the Register.

The Road management Act 2004 schedule 1 sets out that the matters which must be included in a Register of Public Roads are;

- (a) The name of each public road or, if a road is unnamed, a description which enables the particular road to be easily identified;*
- (b) If a road becomes a public road after 1 July 2004, the date on which the road became a public road;*
- (c) If a public road ceases to be a public road, the date on which the road ceased to be a public road;*
- (d) The classification, if any, of the public road;*
- (e) The reference of any plan or instrument made on or after 1 July 2004 that fixes or varies the boundaries of a public road;*
- (f) any ancillary areas;*
- (g) a reference to any arrangement functions in respect of any part of public road or ancillary area is transferred to or from another road authority;*

- (h) and (ha) refers to Melbourne City Link act and Eastlink project Act;*
- (i) any matter required to be included by the relevant Minister under section 22;*
- (j) any other matter required to be included by this Act*
- (k) any other matter which is prescribed for the purpose of this clause.*

- Provide guidelines to assist in determining which municipal roads are to be included on the Public Road Register.

2. Scope

Intent

Council policy establishes guidelines to assist Council in determining which municipal roads are to be included on the Public Road Register to accord with the requirements of the Act.

CONTEXT

Roadways or pathways, considered no longer required for general public use under this policy, will result in road sections being excluded from the Public Road Register. As a result, Council will have no further responsibility for the coordination or operational management function.

Some roads included on the Public Road Register, are listed to ensure property access (refer to Policy item 3.4 below), is maintained and are based on land holdings detailed on the municipal rate register.

The register will remain a dynamic document subject, to amendment to account for changes and trends in property development, land ownership and road usage, tested in accordance with the provisions of this policy.

Note:

This policy relates solely to Council's Public Road Register.

It does not stipulate:

- ✘ Council's requirements as a Responsible Road Authority. Refer to Council's Road Management Plan.
- ✘ Guidelines for negotiating demarcation arrangements with other Responsible Road Authorities.

3. Policy

The following describes the circumstances that must be met for a road to be placed on the public Road register.

3.1. COUNCIL MUST BE CAPABLE OF BEING DEEMED THE COORDINATING ROAD AUTHORITY.

Note: Listed Public Roads can only appear on the register of a single coordinating road authority.

Under provisions of the Act, Council will be the Coordinating Road Authority for any of the following;

- The road has been declared under Section 204 of the Local Government Act;
- The road has been declared by VicRoads to be a Municipal Road;
- The road is referred to in Section 205 of the Local Government Act 1989;
- The road is part of a crown land reserve and has Council as the committee of management;
- Roads which the Minister has assigned a designated road project to Council control under Section 16 of the Act;
- Roads that Council has agreed to have care and management;
- Roads which Council has decided are reasonably required for general public use.

Section 15 of the Act enables transfer of coordinating and/or operational functions from one road authority to another, subject to formal agreements. (Memoranda of Understanding- MOU) In these instances, Council may deem a road to be a municipal road which may otherwise be a non-arterial road or the continuation of a municipal road which ventures onto crown land, crown reserve or freehold land.

When required, MOU's are to address the following matters:

Arterial Roads

Section 37 of the Act and the "Demarcation Code of Practice - Operational Responsibility for Public Roads", define the operational management VicRoads and municipalities on declared freeways and arterial roads.

In these instances, Council may negotiate with VicRoads to transfer the coordination functions of an arterial road alignment and thereby define the road to be a municipal road and included onto Council's register.

Boundary Roads

Council currently has maintenance arrangements with adjoining municipalities in relation to boundary roads, which establish maintenance responsibilities for various road sections. Council is required to formalise these agreements, with the relevant adjoining municipalities, to establish the terms by which the coordination and/or operational responsibilities are distributed. Cost sharing arrangements may also form part of a negotiated agreement and include isolated structures, such as bridges, where they relate to a road crossing the municipal boundary.

Non-Arterial State Roads on Crown Land.

Municipal roads (including roadways and pathways), contained on crown land or crown reserve (i.e. not on a public highway) need to be formalised with the relevant State Road Authority (i.e. DSE).

The Demarcation Code of Practice defines broad responsibility arrangements between Councils and state road authorities such as DSE.

Site specific arrangements will need to be clarified in an MOU, to determine the nature and extent of coordination and/or operational management functions which may also include some form of cost sharing arrangement. A Coordinating Road Authority may fix the boundaries of a road in accordance with Section 13 of the Act.

Freehold Land.

Public roads, including ancillary areas, contained on freehold land will need to be formalised via an MOU with the relevant land owner.

Council may consider it necessary to either, purchase the land area required and declare the road, or enter into a long term lease agreement with the land owner to secure the ongoing use of the alignment for road purposes.

3.2. THE MUNICIPAL ROAD MUST BE ASSOCIATED WITH A COUNCIL 'ROADWAY' OR 'PATHWAY' OR 'ANCILLARY AREA'.

Council will only list a municipal road onto its Public Roads Register when that municipal road is associated with a roadway, pathway or ancillary area which has been constructed and maintained with the intention of functioning as a roadway, pathway or ancillary area.

To be included on the Public Road Register, a road must relate to a Council asset and be either:

- a roadway developed and maintained in some manner with the intention of being used by a motor vehicle, or
- a pathway constructed and maintained by Council, or
- an ancillary area developed and maintained with the intention of providing an ancillary function to a pathway and/or roadway (i.e. carpark, roadside stop etc.)

3.3. THE MUNICIPAL ROAD PROVIDES STRATEGIC ACCESS.

The road provides strategic access connections to points of industry, commerce, community or residential development. This would include all Rural / Urban Link and Collector routes defined under Council's road hierarchy. Strategic access extends to the provision of bus routes along the local road network. The hierarchal classification associated with bus routes are set at a minimum standard of an RA1 route.

Strategic access may also include low usage rural roads which provide a route of convenience in terms of travel time to connect with established collector or link roads. They may also be considered

necessary in terms of egress during or following emergency events, and depending on their degree of usage, can either be classified RA1, RA2 or RAT within Council's road hierarchy.

- The road is classified a Rural / Urban Link or Collector route defined under Council's road hierarchy, or
- The road has been approved as an established bus route, or
- The road has been identified necessary as a route of convenience or emergency egress.

3.4. THE MUNICIPAL ROAD PROVIDES A SINGLE CLOSEST POINT OF ACCESS TO A RATEABLE PROPERTY HOLDING.

These include the major portion of the roads listed on the Public Road Register and are associated with all Rural / Urban Access routes defined under Council's road hierarchy.

This will satisfy Council's Property Access Service Function whereby every rateable property **holding**, adjacent to a connected network of public highways, has an access point to a roadway listed on the Public Roads Register. The standard of construction and who should pay for the creation, or upgrade (if this is required or requested), is a separate question from whether the road is required as a municipal public road. These matters are addressed under Council's Responsible Road Authority requirements.

Council will have no property access service responsibilities where an existing property **holding** has access arrangements to a public road listed within a Public Road Register of another municipal or state controlled road authority.

Where property holdings currently have more than one connection point to a roadway, Council may or may not service the secondary access points, depending on the requirement for the alternate roadways for general public use. In urban areas where existing rear access via lanes provides the only practical means of vehicle access to the properties, Council will service these laneways.

In addition, where primary access is obtained from a roadway which forms an extension of the property driveway entrance, Council may not include the public road beyond the closest point of access onto the Public Roads Register, unless there is a demonstrated public access requirement. Council will honour existing arrangements in the case of public roads servicing access points (as at 1 July 2004) to rural developments such as farm dwellings, machinery sheds and shearing sheds.

Details of various common access arrangements and Council's corresponding position are listed in the property access criteria of this policy document (see 3.11.)

- The public road provides a single closest point of access to a rateable property **holding** not otherwise accessing onto another municipal controlled road or state controlled arterial or non-arterial road.

3.5. ACCESS/USE MUST BE 'REASONABLY REQUIRED FOR GENERAL PUBLIC USE'.

The following guidelines will assist in determining whether a road is “reasonably required for general public use”.

- The number and nature of the separately owned and occupied properties abutting onto the road or requiring the road for access purposes.
- A range of planning and land use and development considerations, including whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use.
- The type of properties abutting onto the road, including public open space, community facilities and car parking areas.
- Whether the roads connects into and forms part of the wider network of public roads.
- The usage patterns of the road in relation to the nature and frequency of past, present and likely future use.
- Whether the road is required for both vehicular and pedestrian use.
- Whether the Council or any of its predecessors or any other public authority constructed the road at public expense.
- Whether the council has cared for, managed or controlled the road.
- Whether the properties which enjoy an abuttal to the road or require the road for access purposes have alternative access rights.
- Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road.
- Whether the road has ever been required to be set aside for public use as a condition of any planning approval.
- Whether the road has ever been formally dedicated or proclaimed to be public highway under the local government act or any predecessor legislation.
- Whether the road has ever been constructed under a special charge scheme or a private street scheme.
- Whether the use is occurring as of right in particular evidence of permission.
- Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage, water.
- Whether the road has fencing, barriers, signage etc.

3.6. PROVISION OF FIRE ACCESS.

The creation and ongoing maintenance of declared fire access tracks listed within the Municipal Fire Prevention Plan is recognised as the responsibility of Council for periodic inspection and maintenance. **NB** This may relate to tracks venturing off public highways onto crown land/reserves or freehold land.

Under this policy, Council will include fire break roads which are also open for general public access onto its Public Roads Register. Limited access tracks listed for the intention of providing access to emergency vehicles only, are considered not open for general public access and will be included on the Public Roads Register.

Limited access tracks will be referenced on Council road asset registers, for which Council will act as the Responsible Road Authority, and be associated with levels of maintenance service commensurate with standards referenced under the Municipal Fire Prevention Plan.

- The public road has been declared as a fire break road or fire access track open for general public use, and is listed within the Municipal Fire Prevention Plan.

3.7. PUBLIC ROAD HAS UNRESTRICTED PUBLIC ACCESS.

Public roads, not providing emergency access or not associated with a local law restricting access, which are fenced off or gated, are not considered available for unrestricted general public access, and are not included on the Public Roads Register.

- The public road has unrestricted public access.

3.8. ACCEPTANCE OF SUBDIVISIONAL ROADS.

Subdivisional roads, established as part of subdivisional development works, will not be listed on the Public Roads Register unless formally accepted by Council through the planning approval processes and until the satisfactory completion of all requirements listed under Council's hand over procedures.

- The subdivision road has been accepted by Council as a public road and is to be added to its register following issue of Title.

3.9. THE LAND IS CONSIDERED TO BE AN ANCILLARY AREA.

Ancillary areas can include car parks or roadside stops / toilet / picnic facilities which adjoin a public road and provide an intended service function for roadway or pathway users.

- The ancillary area is adjacent to a public road and provides an intended service function for the roadway or pathway users.

3.10 TOURISM / CULTURAL FOCAL POINTS OR RECREATIONAL ACCESS.

These are associated with roadways or pathways which service local tourism / cultural points of interest or provide a facility for active public recreation.

The criteria by which Council will include these on the Public Roads Register is based on the acknowledgement by Council through the funding, promotion, management, establishment and/ or

prior maintenance of the facility and associated infrastructure. Inclusion of public roads, not included on a public highway or Council owned land, will need to be subject to agreement and accompanying Memorandum of Understanding with the relevant land manager or land owner.

- The public road is acknowledged by Council as required for general public use as the result of its municipal related tourist attraction, cultural significance or recreational activity.

3.11. PUBLIC ROAD REGISTER – PROPERTY ACCESS CRITERIA

Property access roads account for the major portion of the roads listed on the Public Road Register and are associated with all Rural/Urban Access routes defined under Council’s hierarchy.

Clear definition is necessary to isolate the sections of access roads which do not provide an essential municipal related public access service function.

Council’s “Public Access Service Function” obligation, in relation to property access, extends to the provision a single closest point of access to a “rateable property holding” which may consist of a single or contiguous series of individual land titles.

In this regard, “rateable property holding”, as referenced under the “Valuation of Land Act 1960” is where **several parcels of land in the same municipal district are occupied by the same person and separated from each other only by a road or railway or other similar area across or around which movement is reasonably possible.**

The issue of access provision, and the extent to which Council will commit as the coordinating and/or responsible road authority, considers the following property access cases:

POLICY REFERENCE	PROPERTY ACCESS CASE	ADOPTED POSITION
3.11.1	An existing developed property (dwelling) holding has sited its rural addressed entrance beyond the closest point of access for which the roadway provides sole access.	<i>For all access arrangements existing as at the 1st July 2004 along public highways, Council will include the public road onto its Public Road Register to the rural addressed access point to the property dwelling.</i>

POLICY REFERENCE	PROPERTY ACCESS CASE	ADOPTED POSITION
<p>3.11..2</p>	<p>An existing undeveloped property (vacant or sheds only) holding has sited its rural addressed entrance beyond the closest point of access for which the roadway provides sole access.</p>	<p><i>For all access arrangements existing as at the 1st July 2004 along public highways, Council will include the public road onto its Public Road Register to the rural addressed access point to the property shearing or machinery sheds. This does not extend to points providing property access only.</i></p>
<p>3.11..3</p>	<p>An existing undeveloped property (vacant or sheds only) holding fronting an unused public highway with no current Council acknowledged infrastructure.</p>	<p><i>Applications for road access be considered in terms of whether providing multiple land holding access or sole land holding access:</i></p> <ul style="list-style-type: none"> <i>-Sole access instances handled in terms of providing a single closest point of access to the property holding.</i> <i>-Multiple land holding access arrangements handled in terms of providing the least cost option of gaining access to all land holdings involved, considering the single closest point philosophy.</i>

POLICY REFERENCE	PROPERTY ACCESS CASE	ADOPTED POSITION
<p>3.11..4</p>	<p>An existing undeveloped (vacant or sheds only) or developed (dwelling) property holding with non-arterial roadway access controlled by another state road authority (e.g. DELWP). The property holding may or may not front onto an unused public highway.</p>	<p><i>Reference is made to any prior planning scheme conditions /agreements entered into. Otherwise, Council will enter into an agreement with the other road authority in accordance with guidelines detailed in the “Demarcation Code of Practice – Operational Responsibilities for Public Roads” in terms of coordination and/or operational functions.</i></p>
<p>3.11..5</p>	<p>An existing developed (dwelling) or undeveloped property (vacant or sheds only) holding with frontage access to a public road and abuts to an alternate side or rear roadway with no municipal related general public access requirements.</p>	<p><i>Council does not included the alternate side or rear road onto its Public Roads Register.</i></p>
<p>3.11..6</p>	<p>An existing developed (dwelling) property holdings which abut to rear/side lane property access.</p>	<p><i>Where rear/side lanes provide existing points of property access, include the lane on the Public Roads Register. Where rear/side lanes do not provide property access, or where alternate access arrangements are possible, enter into negotiations in terms of possible lane closure and consolidation of lanes into adjoining land holdings.</i></p>

4. Roles and Responsibilities

Person/s responsible	Accountability
Chief Executive Officer	<ul style="list-style-type: none"> is delegated with the authority to approve the update of the Public Road Register in accordance with the principles detailed in this policy.
Coordinator Strategic Asset Management	<ul style="list-style-type: none"> will update the Public Road Register following approval of the update by the Chief Executive Officer

5. Definitions

What is a road?

A "road" includes:-

- i. any public highway;
- ii. any ancillary area;
- iii. any land declared to be a road or forming part of a public highway or ancillary area.
Section 11 of the Act

What is a pathway?

'Pathway' means a footpath, bicycle path or other area constructed or developed by a responsible road authority, for use by members of the public other than a motor vehicle, but does not include any path which has not been constructed by the responsible road authority or which connects to other land.

What is a roadway?

'Roadway means:-

- in the case of a public road, the area of the public road that is open to, or used by members of the public, and is developed by a responsible road authority for the driving or riding of motor vehicles;
- in the case of any other road, the area of the road within the meaning of "road" in section 3(1) of the **Road Safety Act 1986** – but does not include a driveway providing access to the public road or other road from adjoining land.

What is a motor vehicle?

'Motor vehicle' means a vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle.

What are road classifications?

The Act defines four classifications of public roads which include:

- Freeways
- Arterial Roads
- Non-Arterial State Roads
- Municipal Roads

What are road hierarchies?

Road hierarchies are functional classifications which Council uses to isolate the range of municipal roads applicable to its network of roadways and pathways for which it is the Responsible Road Authority. These include:

RURAL ROADWAY NETWORK		
Hierarchy Type	Hierarchy Category	Primary Function
LINK ROADS	Rural Link (RL)	<p>High usage strategic <u>Freight</u> linkage routes.(High usage is >100 vpd AADT and 6% CV)</p> <p>* Heavy vehicle <u>linkage</u> from the State Arterial Road network.</p> <p>* Also includes heavy vehicle bypass routes of major urban centres.</p>
COLLECTOR ROADS	Rural Collector (RC)	<p>High usage strategic Collector routes.(High usage is >100 vpd AADT and 6% CV).</p> <p>* Rural collector routes from local access roads to community centres or popular focal points.</p> <p>* High usage connector routes to the Arterial road network.</p>
INDUSTRIAL ACCESS ROADS	Rural Industrial Access (RIA)	<p>Heavy vehicle use roads linking industrial enclaves with Arterial or Link Road</p> <p>* Heavy vehicle <u>direct access</u> from the State Arterial Road network or link roads.</p>
ACCESS ROADS	Rural Access 1 (RA1)	<p>Medium usage property access routes.(>30 vpd AADT)</p> <p>* Provide property access to rural developed areas incorporating at least 5 permanent tenements.</p> <p>* Medium usage access to rural properties generating regular and consistent vehicle usage.</p> <p>* Bus Route minimum standard.</p>

RURAL ROADWAY NETWORK		
Hierarchy Type	Hierarchy Category	Primary Function
	Rural Access 2 (RA2)	<p>Low usage property access routes.</p> <ul style="list-style-type: none"> * Provide property access to rural developed areas incorporating up to 5 permanent tenements. * Low usage access to rural properties generating spasmodic vehicle usage.(10 to 30 VPD AADT)
	Rural Access Track (RAT)	<p>Occasional usage property access routes.</p> <ul style="list-style-type: none"> * Occasional usage access to rural properties generating spasmodic vehicle usage.<10vpd AADT) * Strategic fire access routes or emergency access points. * Strategic access to state forest or crown land areas.
	Limited Access Track (LAT)	<p>Specific purpose access tracks <u>not</u> intended for General access.</p> <ul style="list-style-type: none"> * Strategic fire access.
OBSELETE	Not Maintained (NM)	Road Reserve <u>not</u> intended for General access

URBAN ROADWAY NETWORK		
Hierarchy Type	Hierarchy Category	Primary Function
LINK STREETS	Urban Link (UL)	<p>High usage strategic <u>Freight</u> linkage routes. .(High usage is >1000 AADT)</p> <p>* Heavy vehicle <u>linkage</u> from the State Arterial Road network to local commercial or industrial focal points.</p> <p>* Also includes heavy vehicle bypass routes of major urban centres.</p>
COLLECTOR STREETS	Urban Collector (UC)	<p>High usage strategic Collector routes. .(High usage is >1000 AADT)</p> <p>* Urban collector routes from urban access streets to community, school or commerce centres or popular focal points.</p> <p>* High usage connector routes to the Arterial road network.</p>
INDUSTRIAL ACCESS ROADS	Urban Industrial Access (UIA)	<p>Heavy vehicle use roads linking industrial enclaves with Arterial or Link Road</p> <p>* Heavy vehicle <u>direct access</u> from the State Arterial Road network or link roads.</p>
ACCESS STREETS	Urban Access 1 (UA1)	<p>Property access streets.</p> <p>* Provide property frontage access to residential developed allotments.</p> <p>* Bus Route minimum standard.</p>
	Urban Access 2 (UA2)	<p>Property access streets.</p> <p>* Provide property frontage access to residential developed allotments.</p>
	Urban Access Lane (UAL)	<p>Low usage property access streets/lanes.</p> <p>* Provide alternate side or rear property access to urban residential or commercial allotments.</p>

PARKING	Carparks (UP)	Car parking areas * On or off street designated car parking areas.
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PATHWAY NETWORK	
HIERARCHY CLASS	PRIMARY FUNCTION
Commerce (CO)	Main shopping areas / Transport hubs
Business (BU)	Busy urban areas. Township main streets or zones immediately adjacent to or feeding schools, halls, churches etc.
Residential (RE)	Formed paths through urban residential areas or parks.
Rural (RU)	Formed paths through rural residential areas or parks.
Shared Path (SP)	Shared use bicycle and foot paths along defined pathways delineated by pavement markings and signs and furniture.
On Road Bicycle (OR)	Shared use bicycle paths along defined roadways delineated by pavement markings and roadside signs and furniture.

Who is the Coordinating and Responsible Road Authority?

Section 36 of the Act defines the Coordinating Road Authority to be:-

- i. if the road is a freeway or arterial road, VicRoads.
- ii. if the road is a non-arterial State road, the relevant responsible road authority

- under sections 37(1) c or 37(1) d. (eg Parks Victoria, DEWLP)
- iii. if the road is a municipal road, the municipal council of the municipal district in which the road or part of the road is situated.

Section 37 of the Act defines various arrangements of operational responsibilities between Council and other responsible state road authorities such as VicRoads and Department of Sustainability and Environment. The Ministerial Code of Practice “Operational Responsibilities for Public Roads” establishes general guidelines for the demarcation of responsibility between Responsible Road Authorities in terms of the management of road infrastructure.

Section 15 of the Act enables road authorities to transfer coordinating and/or operational management functions between road authorities.

What is a public road?

Section 17 of the Act defines a public road, in the case of municipal roads, if it is:-

- i. declared under section 204(1) of the Local Government Act 1989, **or**
- ii. a road declared by VicRoads to be a municipal road under S14 (1), **or**
- iii. a road where the coordinating road authority has made a decision that the road is reasonably required for general public use, and which may include
- iv. an ancillary area which is owned or managed by the coordinating road authority to be maintained by a responsible road authority as ancillary to a public road.

By definition:

- an “Ancillary Area” means an area designated as an ancillary area by the coordinating road authority under section 18.

What is a municipal road?

A “municipal road” means any road which is not a State road, including any road which:-

- i. is a road referred to in the Local Government Act 1989, Section 205, **or**
- ii. is a road declared by VicRoads to be a municipal road under Section 14(1) b; **or**
- iii. is part of a crown land reserve under the Crown Land (Reserves) Act 1978 and has the relevant municipal council as the committee of management.

6. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee representatives in any workplace change that may affect the health and safety of any of its employees.

7. Related Policies and Procedures

- Municipal Public Road Register.
- The Road Management Plan.

8. Relevant Legislation and Guidelines

- The Road Management Act 2004.
- The Local Government Act 1989.
- The Crown Lands (Reserves) Act 1978.

9. Review

The policy will be reviewed in conjunction with the review of the Road Management Plan.

DOCUMENT HISTORY (TO BE REMOVED BEFORE SIGNING)

	Date	Author
Initial Draft	6 June 2019	Stephen Wright
Approved by GM for EMT	June 2019	
Endorsed	June 2019	EMT with updates
Final Draft	2 April 2020	Sivathasan Sampasivam
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*Final Draft To Strategy Briefing	14 April 2020	Sivathasan Sampasivam
*Final draft to Council meeting		
Signed by CEO		

*Council Policies only