



# Victoria Government Gazette

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## Road Management Act 2004

### NOTICE OF MAKING OF A CODE OF PRACTICE FOR CLEARWAYS ON DECLARED ARTERIAL ROADS

I, Peter Batchelor, Minister for Transport, in accordance with section 29 of the **Road Management Act 2004**:

1. publish the Code of Practice for Clearways on Declared Arterial Roads, a copy of which is set out below; and
2. give notice that—
  - (a) the date of commencement of the Code of Practice is 1 October 2004;
  - (b) copies of the Code of Practice may be obtained from VicRoads Head Office, 60 Denmark Street, Kew; and
  - (c) copies of the following documents which are applied, adopted or incorporated by the Code are available for inspection at VicRoads Head Office, 60 Denmark Street, Kew:
    - (i) Traffic Engineering Manual Volume 1: Traffic Management, VicRoads.
    - (ii) Road Rules – Victoria.
    - (iii) Guide to Traffic Engineering Practice, Austroads – Part II: Parking.
    - (iv) Australian Standard: Manual of Uniform Traffic Control Devices – Part II: Parking Controls.

Dated 13 September 2004

PETER BATCHELOR  
Minister for Transport

Note: A copy of the Code of Practice may be viewed on the VicRoads website at [www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au).

**SPECIAL**

**Road Management Act 2004**

## CODE OF PRACTICE FOR CLEARWAYS ON DECLARED ARTERIAL ROADS

I, Peter Batchelor, Minister for Transport, in accordance with section 28 of the **Road Management Act 2004**, make a Code of Practice for Clearways on Declared Arterial Roads.

Dated 13 September 2004

PETER BATCHELOR  
Minister for Transport

**1. Purpose of Code**

The purpose of this Code of Practice is to provide practical guidance to VicRoads for the management of clearways on arterial roads.

This Code is intended to:

- establish management and consultation processes with regard to the implementation of or alteration to clearways on arterial roads;
- support the principal road management role of VicRoads in providing a safe and efficient road network for use by all members of the public; and
- recognises the need for a consistent, transparent and consultative approach to the implementation of clearways on arterial roads.

**2. Authorising provisions**

This Code of Practice (“this Code”) is made under Section 28 of the **Road Management Act 2004** (“the Act”).

**3. Consultation**

In accordance with Section 28 of the Act, the Minister consulted relevant road Ministers and the Municipal Association of Victoria before this Code was made.

**4. Application**

This Code applies to VicRoads, as the body responsible for management of clearways under the schedule 4(2) of the Act and generally as the coordinating road authority within the meaning of section 3 of the Act.

This Code does not cover the ongoing enforcement of parking restrictions in a clearway during the days or times when a clearway applies as indicated on a clearway sign. Management of parking is the responsibility of the relevant council in accordance with the **Local Government Act 1989**.

This Code commences on the date specified by a notice in the Government Gazette in accordance with section 29 of the Act.

**5. Interpretation**

Unless the context otherwise requires, terms used in this Code of Practice that are defined in the Act will have the same meaning as in the Act.

This Code is to be interpreted in accordance with the **Interpretation of Legislation Act 1984** as if it were a subordinate instrument within the meaning of that Act.

**6. Legal effect of the Code**

The legal effect of a Code of Practice is set out in section 24(4) and section 27 of the Act.

A Code of Practice is admissible in evidence in any proceeding to which the Act or section 99A of the **Road Safety Act 1986** applies.

**7. Management of Clearways on Arterial Roads****7.1 Determining whether to create or alter a clearway**

Before VicRoads decides (whether on its own initiative or at the request of another road authority) to create a clearway on an arterial road, or to amend existing clearway operating times, VicRoads should consider the following matters.

- traffic congestion, reduction in tram and bus delays, disruption to traffic flow, and the safety of all road users;
- State government planning and transport policies (eg. Melbourne 2030, Growing Victoria Together) designed to achieve a more sustainable transport system that supports access to communities and activity centres;
- the use of available transport resources in ways which are beneficial to the community and with due regard to the enhancement of the environment;
- the view of the relevant council, together with any local government development strategies, planning schemes, economic development strategies, community building initiatives, integrated transport strategies and local traffic management plans;
- the economic and social activity, amenity and accessibility of the local area within the vicinity of the proposed clearway;
- the future relationship between the road, traffic management, safety, public transport operation, kerb lane parking, abutting development / future land use, and pedestrian and bicycle use;
- opportunities to address the conflicting demands for the use of kerb lane road space at locations where sensitive land uses (eg. shopping centres, businesses, schools) front arterial roads; and
- alternative opportunities for residents of older style housing that does not provide any, or adequate, off street parking.

## 7.2 Notification of Proposed Clearway

VicRoads should give notice of any proposal to implement, or amend, a clearway on an arterial road to the relevant municipal council, or councils, in which the length of arterial road is located, together with all abutting property owners and occupiers likely to be affected by the proposed clearway. The notice should state:

- (a) the name of the road, the length of road to which the clearway would apply, the days or times when the clearway would apply, and the date upon which the clearway, or amended clearway conditions, would commence operation;
- (b) the purpose and objectives of the clearway proposal;
- (c) that any person who is aggrieved by the proposed clearway may make a written submission on the proposed clearway within 60 days after the day on which notice is given; and
- (d) that any person who makes a written submission is entitled to appear at a meeting with the responsible VicRoads Regional Manager in accordance with Section 7.3 of this Code.

The notice should be:

- (i) in writing and sent to the relevant municipal council, or councils, in which the subject arterial road clearway is located;
- (ii) in writing and sent to all owners and occupiers of properties abutting the length of arterial road over which the proposed clearway is to operate;
- (iii) published in a newspaper circulating generally in the neighbourhood in which the proposed clearway is located.

## 7.3 Consultation Process

VicRoads should, after giving notice, consult with the relevant municipal council, or councils, in which the proposed clearway is to operate. VicRoads should also

conduct appropriate consultation with abutting property owners and occupiers to whom notice has been given, and as far as possible with other stakeholders (eg. public transport operators) likely to be affected by the proposed clearway.

This consultation process should include consideration by VicRoads of all written submissions received in accordance with Section 7.2 (c) of this Code.

Any person who has made a written submission to VicRoads and requested to be heard in support of their submission should be entitled to appear at a meeting with the responsible VicRoads Regional Manager. VicRoads should give reasonable notice of the day, time and place of such a meeting to all persons wishing to appear.

#### **7.4 Notification of Decision by VicRoads**

After VicRoads has considered all submissions and made a decision, it should notify in writing the relevant municipal council, or councils, all abutting property owners and occupiers, and all other persons who lodged submissions, of the decision and the reasons for the decision.

Where a council resolves that it disagrees with the decision of VicRoads, it may make a written submission to the Minister for Local Government setting out the reasons for its disagreement.

Before a new clearway is implemented, or existing clearway conditions changed, VicRoads should:

- (i) advise the Minister for Transport (“the Minister”) of its decision, and the issues raised in any submissions received; and
- (ii) recommend that the Minister seek comment on the clearway proposal from the Minister for Local Government before the Minister endorses or modifies the VicRoads decision on the clearway proposal under consideration.

#### **7.5 Process to Appeal a Decision by VicRoads**

If another road authority or a provider of public transport is aggrieved by the decision of VicRoads after VicRoads has considered all submissions under Section 7.3 of this Code, then the other road authority or a provider of public transport may seek to resolve the matter in accordance with the dispute resolution process as provided under Section 125 of the Act.

### **8. Revocation of Clearways on Declared Arterial Roads**

The guidelines as described in Section 7 of this Code should generally apply where VicRoads, or a council, proposes to remove a clearway on an arterial road.

### **9. Evaluation of Clearway Implementation**

VicRoads should review the performance of a new clearway against the purpose and objectives as established during the development of the clearway proposal.

### **10. Technical References**

The following documents contain information that may be relevant to the management of clearways.

- (i) Traffic Engineering Manual Volume 1: Traffic Management, VicRoads.
  - (ii) Road Rules – Victoria.
  - (iii) Guide to Traffic Engineering Practice, Austroads – Part II: Parking.
  - (iv) Australian Standard: Manual of Uniform Traffic Control Devices – Part II: Parking Controls.
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