

# THE PUBLIC LAND CONSULTANCY

Independent professional advice and support for managers and users of public land



## Roadsides and the Law

*A three module on-line  
professional development course  
for road authorities and urban and  
rural councils*



Our Presenter

### Grant Arnold

Associate, The Public Land  
Consultancy. Formerly Statewide  
Manager, Statutory Planning, DSE.

### Module 1

- **What is a road?**

How the law sees roads: physical roadways and cadastral road reserves; 'public highways' under common law; unused government roads;

Caselaw: *Fenelon v Dove* (VSCA, 2010)

- **Responsibilities for roadsides**

How the *Road Management Act 2004* recognises roadsides and assigns responsibility; the roles of Councils, RRV, VicRoads, DELWP and CMAs

Caselaw: *Kennedy v Campaspe* (VSCA, 2015)

- **Roadside infrastructure**

Utilities, crossovers, culverts and pathways: what approvals are needed, and who grants them

Caselaw: *Clarke v Shepparton* (VSCA, 2017)

### Module 2

- **Controls over roadsides**

Local laws, planning schemes and referral authorities, the *Aboriginal Heritage Act 2006*, the *Catchment and Land Protection Act 1994*; the *Electricity Safety Act 1998* and regulations

- **Roadside vegetation**

Native vegetation, exotic vegetation, weeds and pests, dangerous trees, fire control, 'nature strips'

Caselaw: *VicRoads v Mt Alexander* (VCAT, 2006)

### Module 3

- **Roadside safety**

The common law 'duty of care,' defences in the *Wrongs Act 1958* and the *Road Management Act 2004*; the TAC, insurance cover, roads as workplaces

Caselaw: *Monty v Bayside* (County Court, 2010)

Caselaw: *DPP v VicRoads and Downer* (County Court, 2015)

- **Occupation, Use and Boundary Issues**

Fences, grazing, tree reserves, advertising signs, balconies... their authorisation, responsibility and removal

Caselaw: *Octopus Media v Kingston* (VCAT)

APRIL 2020  
PRESENTATIONS

**Module 1**

Tuesday 21 April  
10am – 12noon

**Module 2**

Wednesday 22 April  
10am – 12noon

**Module 3**

Thursday 23 April  
10am – 12noon

*Further presentations  
in June and July 2020  
– details to be advised*



*All our  
courses  
are on-line.  
No need to  
travel!*

### Cost

\$440 - including GST and  
course notes.

### Enquiries and Registrations

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