

Department of State Growth

TRANSPORT INFRASTRUCTURE SERVICES DIVISION

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Your ref.: - Our ref.: 026982-03



Mr John Brown
General Manager
Break O'Day Council
P. O. Box 21
ST HELENS 77216

Roads and Jetties Act 1935 Section 52A – Limited Access

Dear Mr Brown

Under Part IVA of the *Roads and Jetties Act 1935* (the Act), the Governor may, by proclamation, declare any State highway or subsidiary road, or part thereof, to be a Limited Access road.

Limited Access is a tool to control development that compromises the function of key roads in the State road network. This is achieved by limiting access points and their use from adjacent property and/or development.

Limited Access assists the Department in providing an expected Level of Service on some roads, particularly major freight and tourist routes.

When a road is proclaimed Limited Access, common law rights of access are acquired by the Crown from adjacent properties and those properties with a legal means of access to the State road.

Access locations and uses are defined by proclaiming public road junctions and licensing private accesses.

In accordance with provisions of the Act, no new accesses to a Limited Access road can be constructed, no additional licences can be granted to allow access for additional property/ies, nor can a licence be amended to allow use of an access by a third party.

A road having Limited Access status also has an effect on the *Local Government (Building and Miscellaneous Provisions) Act 1993* in terms of public road frontage and minimum lots.

Historically, Limited Access has been utilised on newly constructed roads to ensure project outcomes are maintained and, as a result, protect the State or Federal financial investment in the asset.

A recent Departmental review of State Limited Access roads has identified the roads where Limited Access should remain and where this restriction can be removed.

In your municipality, the following section of State road has been identified where removal of Limited Access has been recommended and approved:

.../2.

Tasman Highway – Elephant Pass Main Road to vicinity of Falmouth Road – 19.70 kms

As a result, your Council will be able to assess abutting land development on this section of road without the need to consider Limited Access ramifications. It is expected, however, that Council will continue to adhere with good engineering and planning practice in terms of new access location (particularly in dual frontage instances) and that any proposed development access to the State road, whether new or existing, conforms to minimum sight distance and construction criteria. Contact with the Department will still be necessary regarding the issuing of a works permit for any proposed works on or affecting the State road reservation (permits@dier.tas.gov.au).


The Department is currently in the process of identifying the relevant existing Limited Access proclamation(s) pertaining to the abovementioned State road and drafting a new proclamation to revoke the Limited Access status of this section. You will be formally advised following notification of the new proclamation in the *Tasmanian Government Gazette*.

In the meantime, should you have any queries, please do not hesitate in making contact with me.

Yours sincerely



Georgina Skeggs
PROJECT OFFICER

 May, 2015

Department of State Growth

STATE ROADS DIVISION

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Your ref.: - Our ref.: 026982-03 & 022425-02



Tasmanian
Government

Mr John Brown
General Manager
Break O'Day Council
P. O. Box 21
ST HELENS 7216

Roads and Jetties Act 1935
Section 52A – Limited Access

Dear Mr Brown

I refer to my letter to you dated 7th May, 2015, wherein it was advised that Limited Access on certain State roads had been approved for removal.

By proclamation dated 12th October, 2015, and notified in the *Gazette* on 21st October, 2015, as Statutory Rules 2015, No. 70, the Limited Access status of the following section of State road in your municipality was revoked:

Tasman Highway – From its junction with the Elephant Pass Main Road to the vicinity of Falmouth Road junction – 19.70 kms

Please find a copy of the proclamation attached. The applicable proclamations revoked are Statutory Rules 1989, No. 179 and Statutory Rules 1993, No. 235.

As a result, your Council is now formally able to assess abutting land development on this section of road without the need to consider Limited Access ramifications.

It is expected, however, that Council will continue to adhere to good engineering and planning practice in terms of new access location, particularly in instances where land has a Council road frontage as well as a boundary with a State road. In such cases, it is preferred that access remains by, or new access is via, the lower road in the hierarchy.

It is also trusted that, if State road access is proposed, Council will ensure that it is able to conform to minimum sight distance and construction criteria in accordance with Austroads guidelines, this Department's standards and best practice.

.../2.

You are reminded that a works permit for any proposed works on or affecting the State road reservation, including drainage, will still be required from the Department (permits@stategrowth.tas.gov.au).

Should you have any queries, please do not hesitate in making contact with me.

Yours sincerely



Georgina Skeggs
PROJECT OFFICER

21st December, 2015

Released under RTI

TASMANIA

**PROCLAMATION UNDER THE ROADS AND
JETTIES ACT 1935**

STATUTORY RULES 2015, No. 70

I, the Administrator in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, by this my proclamation made under sections 9A and 52A of the *Roads and Jetties Act 1935* –

- (a) revoke the proclamation notified in the *Gazette* on 17 July, 1974, as Statutory Rules 1974, No. 164; and
- (b) revoke the proclamation notified in the *Gazette* on 11 June, 1975, as Statutory Rules 1975, No. 133; and
- (c) revoke the proclamation notified in the *Gazette* on 30 July, 1986, as Statutory Rules 1986, No. 159; and
- (d) revoke the proclamation notified in the *Gazette* on 6 December, 1989, as Statutory Rules 1989, No. 179; and
- (e) revoke the proclamation notified in the *Gazette* on 24 November, 1993, as Statutory Rules 1993, No. 235; and

Roads and Jetties Act 1935 – Proclamation
Statutory Rules 2015, No. 70

- (f) declare that this proclamation takes effect on the day on which its making is notified in the *Gazette*.

Dated 12 October 2015.

SHAN TENNENT
Administrator

By Her Excellency's Command,

M. T. (RENE) HIDDING
Minister for Infrastructure

Released under RTI

Roads and Jetties Act 1935 – Proclamation
Statutory Rules 2015, No. 70

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 October 2015.

This proclamation is administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the proclamation)

This proclamation revokes certain proclamations relating to the Lyell Highway, the new Cradle Mountain Developmental Road and the Tasman Highway.

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