

**McKINLAY SHIRE COUNCIL
LOCAL LAW POLICY
NO. 11

(ROADS)**

This local law policy is to be read with Local Law No. 11 (Roads).

Made by Council resolution on 10 July 2001.

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1. Citation

This local law policy may be cited as *Local Law Policy No. 11 (Roads)*.

2. Objects

The objects of this local law policy is to provide detailed information called upon by Local Law No. 11 (Roads) to:

- (a) ensure that the local government has the necessary powers to construct, maintain and improve roads within its area; and
- (b) provide for the naming of roads and the numbering of adjacent properties; and
- (c) ensure that roads and associated structures and vegetation are in harmony with their natural and built environment; and
- (d) regulate the use of roads to prevent nuisances and interference with the safe movement of traffic.

3. Local Law - Section 15(c) - Application for Permit

For the purposes of section 15(c) of the Local Law an application for a permit must be accompanied by the following information and material:

- (a) the specification of a deadline for completion of the works or ceasing of the activity; and
- (b) details of the location where the works or activity will be carried out, by way of plan or otherwise; and
- (c) the intended hours and days of operation of the activity; and
- (d) details of any procedures which will be used to prevent environmental harm or a nuisance to members of the public; and
- (e) details of procedures which will be used to prevent risks to the health and safety of members of the public; and
- (f) details of any training on matters of safety undertaken by the employees or agents of the applicant who will be carrying out the works.

4. Local Law - Section 16(2) - Grant of Permit

For the purpose of section 16(2) of the Local Law a proposed alteration or improvement to a local government road must comply with the following criteria:

- (a) the alterations or improvements must not:
 - i) after completion, reduce the capacity of the road to provide vehicular and where relevant pedestrian thoroughfare; and
 - ii) constitute a nuisance to any person; and
 - iii) constitute a danger to any person or property; and
- (b) the access from the footway to kerbside parking must not be obstructed; and

- (c) the alterations or improvements must not have an adverse effect on the amenity of the area; and
- (d) the alterations or improvements must not have an adverse effect on the existing services located in, on or over a road; and
- (e) the agents or employees of the applicant who will be carrying out the works must have received appropriate training in safety procedures.

5. Local Law - Section 17(3) - Conditions of Permit

For the purposes of section 17(3) of the Local Law the following conditions may be imposed in a permit:

- (a) the holder of a permit must take out a public liability insurance policy to a value acceptable by the local government but shall not be less than \$1,000,000.00 with the local government being endorsed as an insured party; and
- (b) the public liability insurance policy referred to in paragraph (a) must be submitted to the local government prior to the carrying out of any work under the permit; and
- (c) the holder of the permit must enter into a binding agreement with the local government to indemnify the local government against claims (including claims made against the holder of the permit by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the permit; and
- (d) the works or activity must not adversely obstruct the movement of vehicles and pedestrians; and
- (e) the holder of the permit must lodge a security if required; and
- (f) warning signs must be situated on both sides of the works or activities to alert approaching road users to the works or activity; and
- (g) the holder of the permit must rectify any damage to the road caused as a result of the works or activities to the satisfaction of the local government or pay to the local government the amount it would cost the local government to carry out the repairs; and
- (h) the holder of the permit must not interfere with the existing services located in, on or over a road; and
- (i) all employees or agents of the holder of the permit must have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities.

6. Local Law - Section 19(c) - Application for Permit

For the purpose of section 19(c) of the Local Law, an application for a permit to use a local government road for a regulated purpose must include or be accompanied by:

- (a) In relation to depasturing animals, or driving or leading animals across the road:

- i) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
 - ii) details of the number or approximate number of stock; and
 - iii) details of any training on matters of safety undertaken by the employees or agents of the applicant; and
 - iv) details of the intended hours and days of operation for the activity.
- (b) In relation to discharge of stormwater or wastes:
 - i) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
 - ii) details of any training on matters of safety undertaken by the employees or agents of the applicant; and
 - iii) details of the intended hours and days of operation for the activity; and
 - iv) details of any procedures which will be used to prevent environmental harm or a nuisance to members of the public.
- (c) In relation to the deposit of goods or materials:
 - i) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
 - ii) details of any training on matters of safety undertaken by the employees or agents of the applicant; and
 - iii) details of the intended hours and days of operation for the activity.

7. Local Law - Section 20(2) - Grant of Permit

For the purposes of section 20(2) of the Local Law an application for a permit authorising the use of a local government road must comply with the following criteria:

- (a) the flow of traffic on the road must not be unnecessarily interrupted; and
- (b) there must not be any permanent adverse effect on the amenity of the surrounding area; and
- (c) the regulated purpose must not constitute a danger to any person or property; and
- (d) there must not be any adverse damage to the road and its verges; and
- (e) the activity must not have an adverse effect on the existing services in, on or over a road.

8. Local Law - Section 21(3) - Conditions of Permit

For the purposes of section 21(3) of the Local Law conditions that may be imposed on a permit are as follows:

- (a) the holder of a permit must take out a public liability insurance policy to a value acceptable by the local government but shall not be less than \$1,000,000.00 with the local government being endorsed as an insured party; and
- (b) the public liability insurance policy referred to in paragraph (a) must be submitted to the local government prior to the carrying out of any work under the permit; and
- (c) the holder of the permit must enter into a binding agreement with the local government to indemnify the local government against claims (including claims made against the holder of the permit by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the permit; and
- (d) the holder of the permit must repair any damage caused to the road by the activity to the satisfaction of the local government, or pay to the local government the cost of the local government carrying out the repairs to the road; and
- (e) the holder of the permit must not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (f) the holder of the permit must ensure that the activity does not cause a nuisance to neighbouring residents; and
- (g) the holder of the permit must ensure that the activity does not have an adverse effect of the amenity of the surrounding area; and
- (h) the holder of the permit must not interfere with the existing services located in, on or over a road; and
- (i) all employees or agents of the holder of the permit must have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities.