

**CLONCURRY SHIRE COUNCIL  
SUBORDINATE LOCAL LAW  
NO. 9  
(ROADS) 2001**

This subordinate local law is to be read with Local Law No. 9 (Roads) 2001.

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**1. Short title**

This subordinate local law may be cited as a *Subordinate Local Law No. 9 (Roads) 2001*.

**2. Objects**

The objects of this subordinate local law are to provide detailed information called upon by *Local Law No. 9 (Roads) 2001* to -

- (a) confer on the local government certain powers incidental to its responsibilities for roads within its area; and
- (b) provide for the naming of roads and the numbering of adjacent properties; and
- (c) regulate the making of alterations and improvements to local government roads.

**3. Definitions**

All terms have the same meaning as those provided for in *Local Law No. 9 (Roads) 2001*.

**4. Local Law - Section 16(e) - Application for approval**

For the purposes of section 16(e) of the Local Law, an application for an approval to make an alteration or improvement to a local government road must include or be accompanied by the following information and material -

- (a) the specification of a deadline for completion of the works; and
- (b) details of the location where the works or activity will be carried out, by way of plan or otherwise which also shows the location of any warning notices for the safety of road users; and
- (c) the intended hours and days of operation of the works or activity; and
- (d) details of procedures which will be used to prevent any risk to the health and safety of employees or agents of the applicant and the general public.

**5. Local Law - Section 17(2) - Grant of approval**

For the purposes of section 17(2) of the Local Law, a proposed alteration or improvement to a local government road must comply with the following criteria -

- (a) whether the alterations or improvements will -
  - i) after completion, reduce the capacity of the road to provide vehicular and, where relevant, pedestrian thoroughfare; and
  - ii) constitute a nuisance; and
  - iii) constitute a danger to any person or property; and
- (b) whether the access from a footpath to kerbside parking will be obstructed; and

- (c) whether the alterations or improvements will have an adverse effect on the amenity of the area; and
- (d) whether the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (e) whether the alterations or improvements will have an adverse effect on the existing services located in, on or over a road.

**6. Local Law - Section 18(3) - Conditions of approval**

For the purposes of section 15(3) of the Local Law, the following conditions are the conditions that may be imposed on an approval -

- (a) the holder of the approval must take out a public liability insurance policy to the minimum value of FIVE MILLION DOLLARS (\$5,000,000.00) with the local government being endorsed as an insured party; and
- (b) the public liability insurance policy referred to in paragraph (a) must be to the satisfaction of the local government and submitted to it prior to the carrying out of any work under the approval; and
- (c) the holder of the approval 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 approval by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and
- (d) the works or activity must not adversely obstruct the movement of vehicles and pedestrians; and
- (e) warning signs must be situated on both sides of the works or activities to alert approaching road users to the works or activity; and
- (f) if the holder of the approval or the holder's employee or agent damages the road it must pay to the local government the amount it would cost the local government to rectify the damage to the road; and
- (g) notwithstanding paragraph (f), the local government may allow the holder of the approval to carry out any rectification works at their cost for damage caused to the road if this is appropriate in the circumstances; and
- (h) any rectification works carried out under paragraph (f) must be to the satisfaction of the local government and will be without prejudice to its rights to carry out any further works needed to rectify the damage to the road at the cost of the holder of the approval; and
- (i) the local government may give notice to the holder of the approval requiring the holder to publish a notice in a newspaper circulating generally in the local government's area at least 7 days prior to commencing the works or activities with such notice advising of -
  - i) the type of works or activities which will be carried out; and

- ii) the location where the works or activities will be carried out; and
- iii) the hours and days of operation of the works or activities; and
- (j) the holder of the approval must not interfere with the existing services located in, on or over a road; and
- (k) all employees or agents of the holder of the approval 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.

**7. Local Law - Section 20(c) - Application for approval**

For the purpose of section 20(c) of the Local Law, an application for an approval 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;  
and
- iv) details of the type of goods or materials that will be deposited.

**8. Local Law - Section 21(2) - Grant of approval**

For the purposes of section 21(2) of the Local Law, an application for approval to use of a local government road for a regulated purpose the following criteria must be considered -

- (a) whether the flow of traffic on the road will be unnecessarily interrupted; and
- (b) whether there will be any permanent adverse effect on the amenity of the surrounding area; and
- (c) whether the regulated purpose will constitute a danger to any person or property; and
- (d) whether there will be any adverse damage to the road and its verges; and
- (e) whether the activity will have an adverse effect on the existing services in, on or over a road.

**9. Local Law - Section 22(3) - Condition of approval**

For the purposes of section 22(3) of the Local Law, the following conditions that may be imposed on an approval -

- (a) the holder of the approval must take out a public liability insurance policy to the minimum value of FIVE MILLION DOLLARS (\$5,000,000.00) with the local government being endorsed as an insured party; and
- (b) the public liability insurance policy referred to in paragraph (a) must be to the satisfaction of the local government and submitted to it prior to the carrying out of any work under the approval; and
- (c) the holder of the approval 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 approval by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the approval; and
- (d) if the holder of the approval or the holder's employee or agent damages the road it must pay to the local government the amount it would cost the local government to rectify the damage to the road; and
- (e) Notwithstanding paragraph (d), the local government may allow the holder of the approval to carry out any rectification works at their cost for damage caused to the road if this is appropriate in the circumstances; and

- (f) any rectification works carried out under paragraph (e) must be to the satisfaction of the local government and will be without prejudice to its rights to carry out any further works needed to rectify the damage to the road at the cost of the holder of the approval; and
- (g) the holder of the approval must not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (h) the holder of the approval must ensure that the activity does not cause a nuisance to neighbouring residents; and
- (i) the holder of the approval must ensure that the activity does not have an adverse effect of the amenity of the surrounding area; and
- (j) the holder of the approval must not interfere with the existing services located in, on or over a road; and
- (k) all employees or agents of the holder of the approval 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.