

Central Highlands Regional Council

Administration (Amendment) Subordinate Local Law (No. 1) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Administration (Amendment) Subordinate Local Law (No. 1) 2014*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 1 (Administration) 2012*.

Part 2 Amendments to subordinate local law

3 Amendment of sch2 (Categories of prescribed activities for the purposes of maximum penalties)

Schedule 2, part 1, after item 8—

insert—

- ‘9 Installing a gate or a grid, or a gate and a grid, across a road.
- 10 Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.’.

4 Insertion of new sch31 (Installing, or being a responsible person for, a gate or a grid)

After schedule 30—

insert—

‘Schedule 31 Installing, or being a responsible person for, a gate or a grid

Section 11

1 Prescribed activity

- (1) Installing a gate or a grid, or a gate and a grid, across a road. (See *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*, schedule 2, item 2(b)).
- (2) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road. (See *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*, schedule 2, item 2(c)).

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

- (1) If the installation of a gate or a grid, or a gate and a grid, is proposed—
 - (a) a plan detailing the design of the proposed gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
 - (b) a plan identifying the location within the road of the proposed gate or grid, or gate and grid; and
 - (c) particulars of all warning or similar signage proposed to be erected by the applicant.
- (2) If a gate or a grid, or a gate and a grid, are installed across a road—
 - (a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
 - (b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and
 - (c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid.
- (3) If the gate or grid, or the gate and the grid, are proposed to be installed across a road—details of the time when the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

4 Additional criteria for the granting of approval

The prescribed activity must not—

- (a) result in—
 - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) unreasonable obstruction of vehicular or pedestrian traffic; or
 - (v) unreasonable prejudice to the proper maintenance of a road; or
 - (vi) environmental harm; or
 - (vii) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5 Conditions that must be imposed on approvals

No conditions prescribed.

6 Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.
- (2) If the approval relates to the installation of a gate or a grid; or a gate and a grid — the conditions of the approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the installation of the gate or the grid, or the gate and the grid, must be carried out; and
 - (c) specify standards with which the installation of the gate or the grid, or the gate and the grid, must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the installation of the gate or the grid, or the gate and the grid; and
 - (iii) give the local government specified indemnities; and
 - (iv) construct the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and
 - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid, (including the destruction of plants and vegetation); and
 - (vii) remove a gate, grid or structure erected or installed, under the approval, at the end of a stated period; and

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- (viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
 - (ix) if the approval relates to the installation of a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
 - (x) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair —
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
 - (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
 - (xii) take specified measures to ensure the unrestricted movement of vehicular and pedestrian traffic along the road during construction and installation of the gate or the grid, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property.
- (3) If the approval relates to being a responsible person for a gate or a grid, or a gate and a grid, installed across a road—the conditions of the approval may—
- (a) require compliance with specified safety requirements; and
 - (b) require the approval holder to—
 - (i) carry out specified work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government within a stated period; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain the gate or the grid, or the gate and the grid, in accordance with standard plans and specifications; and
 - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

- (vi) clear and maintain the road in the vicinity of the gate or the grid, or the gate and the grid (including the destruction of plants and vegetation); and
- (vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and
- (viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance, or poses a risk of a nuisance; or
 - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
- (x) maintain the road, for a distance of 5m on each side of the gate or the grid, or the gate and the grid, as the case may be, in good and sufficient repair—
 - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - (B) to prevent or minimise the risk of personal injury or damage to property; and
- (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road.

7 Term of approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8 Term of renewal of approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

9 Definitions

In this schedule—

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

gate means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.

grid has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*.

responsible person has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*.

structure has the meaning given in the *Local Government Act 2009*.

This and the preceding 6 pages bearing my initials is a certified copy of *Administration (Amendment) Subordinate Local Law (No. 1) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Central Highlands Regional Council by resolution dated the fourteenth day of May 2014.


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Chief Executive Officer