



**Cairns Regional Council
Local Law No. 10 (Cane Railways) 2016**

Current as at 1 March 2016

Cairns Regional Council

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 10 (Cane Railways) 2016*.

2 Purpose

- (1) The purpose of this local law is to allow the local government to regulate the activities of cane railways to protect the safety of vehicles, pedestrians and infrastructure such as roads and bridges and avoid nuisance to other users of the infrastructure.
- (2) The local law will achieve its purpose by requiring permits for the operation of cane railways which can be conditioned to achieve the purpose.

3 Relationship with other laws

This local law is:

- (a) to be read in conjunction with *Local Law 1 (Administration) 2016* which contains provisions and definitions that apply to all local laws;
- (b) made under Chapter 3 of the LGA; and
- (c) otherwise in addition to, and does not derogate from, laws regulating land use planning.

Part 2 Cane railway operation

4 Prescribed activity

- (1) Cane railway operation is a category 3 prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2016* and this local law.

5 Additional criteria for the granting of a permit

The following type of criteria must be considered for the granting of a permit:

- (a) The cane railway must be able in the opinion of an authorised person to be:
 - (i) operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon which such cane railway is constructed;
 - (ii) operated so as not to damage such roads or bridges; and
 - (iii) operated and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

6 Conditions that must be imposed on permits

The following conditions must be imposed on permits:

- (a) The permits must include:
 - (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation;
 - (ii) requirements for safety precautions, signs, warning devices and guard rails;
 - (iii) the standards and methods of operation of any cane railway;
 - (iv) the standards and methods of maintenance of any cane railway;
 - (v) requirements for the construction of any grids;
 - (vi) drainage works;
 - (vii) speed of operation;
 - (viii) weight and nature of cane railway;
 - (ix) maintenance of and repairs to roads or bridges adjoining or in the vicinity of the cane railway; and
 - (x) access details for trucks.
- (b) The permit holder, its contractors or agents are required to:
 - (i) take out public liability insurance in an amount nominated by the local government and to name local government as an interested party on the policy;
 - (ii) provide the local government with a certificate of currency of public liability insurance held every year for the term of the permit;
 - (iii) indemnify the local government and any other person who has an interest in or takes a benefit from the cane railway against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the construction, operation or maintenance of the cane railway; and
 - (iv) comply with all reasonable directions of an authorised person within the time specified by the authorised person.

CERTIFICATION

This and the preceding 2 pages bearing my initials is a certified copy of Cairns Regional Council *Local Law No. 10 (Cane Railways) 2016* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

Peter Tabulo
Chief Executive Officer
Cairns Regional Council