



**Cassowary Coast Regional Council  
Local Law No. 11 (Cane Railways) 2022**

# **Cassowary Coast Regional Council**

## **Local Law No. 11 (Cane Railways) 2022**

### **Contents**

Part 1 Preliminary .....	1
1 Short title .....	1
2 Purpose .....	1
3 Relationship with other laws .....	1
Part 2 Cane railway operation .....	1
4 Prescribed activity .....	1
5 Additional criteria for the granting of a permit .....	1
6 Conditions that must be imposed on permits .....	2

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 11 (Cane Railways) 2022*.

### 2 Purpose

- (1) The purpose of this local law is to allow **Council** 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 and providing for enforcement action.

### 3 Relationship with other laws

This local law is:

- (a) to be read in conjunction with *Local Law No. 1 (Administration) 2022* 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 activity**.
- (2) To obtain a **permit** an application must be made to **Council** on:
  - (a) [Approved Form 1.7: Application Information \(\*What I want\*\)](#); and
  - (b) [Approved Form 11.4: Cane Railway Operation](#).

### 5 Additional criteria for the granting of a permit

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

- (a) The cane railway must be able 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 types of conditions must be imposed on **permits**:

- (a) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation;
- (b) requirements for safety precautions, signs, warning devices and guard rails;
- (c) the standards and methods of operation of any cane railway;
- (d) the standards and methods of maintenance of any cane railway;
- (e) requirements for the construction of any grids;
- (f) drainage works;
- (g) speed of operation;
- (h) weight and nature of cane railway;
- (i) maintenance of and repairs to roads and bridges adjoining or in the vicinity of the cane railway; and
- (j) access details for trucks.
- (k) The **permit holder**, its contractors or agents are required to:
  - (i) take out public liability insurance in an amount, commensurate with the risk, nominated by **Council** and to name **Council** as an interested party on the policy;
  - (ii) provide **Council** with a certificate of currency of public liability insurance held every year for the term of the **permit**; and
  - (iii) indemnify **Council** 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.

## CERTIFICATION

This and the preceding 2 pages bearing my initials is a certified copy of Cassowary Coast Regional Council *Local Law No. 11 (Cane Railways) 2022* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 28 July 2022.

A handwritten signature in black ink, appearing to read 'Andrew Graffen', is positioned above the printed name.

Andrew Graffen  
Chief Executive Officer  
Cassowary Coast Regional Council