



CLARENCE CITY COUNCIL

LOCAL HIGHWAYS STANDARD REQUIREMENTS BY- LAW

BY- LAW NO. 1 OF 2025

A By-Law made under section 145 of the *Local Government Act 1993* for the purpose of prescribing standard requirements for the construction of local highways and crossings and the regulation of works in highways in the City of Clarence.

PART I – PRELIMINARY

Short Title

1. This By-Law may be cited as the Local Highways Standard Requirements By-Law.
2. The Clarence City Council Local Highways Standard Requirements By-Law No. 2 of 2014 made on 16 December 2014 and notified in the Tasmanian Government Gazette on 6 October 2004 is repealed.

Commencement

3. This By-Law commences on the date it is published in the Tasmanian Government Gazette.

Application

4. This By-Law applies to the municipal area of the City of Clarence.

Interpretation

5. In this By-Law the following definitions apply:
 - ‘**AADT**’ means Annual Average Daily Traffic;
 - ‘**ASD**’ means approach sight distance as defined in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections;
 - ‘**Austroads**’ means the representative association of the Australian State Road Authorities;
 - ‘**authorised person**’ is a person appointed by the Chief Executive Officer for the purposes of this By-Law;
 - ‘**Authority**’ means a government body or agency having jurisdiction in relation to any matter referred to in this By-Law;
 - ‘**California Bearing Ratio**’ or ‘**CBR**’ means a measure of the strength of the subgrade of a road or other paved area, and of the materials used in its construction.

‘Council’ means the Clarence City Council;

‘certified engineering drawings and specifications’ means drawings and specifications certified by an appropriately qualified engineer;

‘crossing’ means any footpath crossing, pavement or gutter crossing, footpath, culvert, drain or vehicular crossing or nature strip adjacent to any road, highway or way to land in the municipal area that is designed for or is used as a means of access by vehicles or bicycles from any road, highway or way to land in the municipal area;

‘design prime mover’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘design service vehicle’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘design single unit truck’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘ESA’ means Equivalent Standard Axle as described in Austroads Publication - " Guide to Pavement Technology Part 2: Pavement Structural Design";

‘FOK’ means face of kerb;

‘footpath crossing’ means that part of a footpath or nature strip that is designed for or used as a means of entrance by vehicles from the pavement or gutter crossing to land;

‘Chief Executive Officer’ means the Chief Executive Officer appointed by the Council in accordance with section 61 of the *Local Government Act 1993 (Tas.)*;

‘gutter crossing’ means that part of a kerb and gutter designed for or used as a means of entrance by vehicles from the pavement to a footpath crossing;

‘highway’ means a road that is subject to the care, control or management of the Council and includes any street, road, way, mall, road reservation and cul-de-sac under the responsibility of the Council;

‘highway reservation’ is that portion of the land used, dedicated as, or to be dedicated, as highway;

‘industrial highway’ means a highway running through or adjacent to land that is zoned for industrial or commercial use or that services such areas;

‘infrastructure’ means any crossing, footpath, culvert, drain, pipe, underground or overhead services, park, reserve or nature strip adjacent to any road, highway or way to land;

‘land’ means land in the municipal area;

‘lot’ means a parcel of land consisting of one or more land titles;

‘municipal area’ means the City of Clarence as defined by Section 16 of the *Local Government Act 1993*;

‘nature strip’ means that area of land located between the pavement, including any adjacent kerb, gutter or shoulder, and the property boundary of a lot that has frontage adjoining any highway in the municipal area;

‘notice’ means a Council notice:

- (a) displayed or set up in a public place or adjacent to a public place in the municipal area; or
- (b) in a daily newspaper circulating in the municipal area; or
- (c) forwarded by Council, Chief Executive Officer or authorised person to a person to whom this By-Law applies;

‘pavement’ means the formed area of a highway or carriageway excluding the kerb, gutter and shoulder;

‘penalty unit’ means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

‘permit’ means a permit issued to a person pursuant to this By-Law;

‘permit holder’ means a person or incorporated body granted a permit pursuant to this By-Law;

‘planning permit’ means a permit issued by Council in accordance with the *Land Use Planning and Approvals Act 1993*

‘protected bike lane’ means a designated lane on the road that is physically separated from vehicle traffic by a barrier such as a curb or bollards;

‘public land’ means any land owned by or under the control of Council, and any public land in the municipal area,

‘public open space’ means land used for public recreation or public gardens or for similar purposes

‘subdivision’ means a subdivision as defined under the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

‘residential street’ means a local road as defined within this By-Law;

‘road’ means a highway and includes:

- a) a local highway within the meaning of the Local Government (Highways) Act 1982;
- b) highway reservation;
- c) any approved and constructed crossing, kerb, footpath, guttering, pavement or earth surface drain; and
- d) a mall;

‘road hierarchy’ means the Council’s classification system for local highways in the municipal area;

‘road width’ means the width of the roadway from face of kerb to face of kerb.

‘road reserve’ means the area of land located between the property boundary and includes pavement, kerb, gutter, footpath or shoulder, and the nature strip of a lot that has frontage adjoining any highway in the municipal area;

‘rural highway’ means all those highways that are not urban highways in the municipal area;

‘services’ includes all service infrastructure located in or above a highway or a road;

‘SISD’ means Safe Intersection Sight Distance as defined in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections;

‘site’ includes any land where building work or works are being carried out, or have been carried out, and includes any area of a highway beyond the title boundaries of privately owned land which involve or are affected by building work or works carried out on adjoining or adjacent privately owned land;

‘Standard Requirements’ means those standard requirements set out in Part II of this By-law;

‘Tasmanian Standard Drawings’ means the Tasmanian Standard Drawings issued by the Local Government Association of Tasmania in conjunction with the Institute of Public Works Engineering Australia dated 30 November 2013 as adopted by Council and as amended from time to time;

‘through traffic’ means vehicles that travel directly between highway nodes without diversion to abutting properties or adjoining highways;

‘urban highway’ means a highway located within any areas zoned for the purpose of urban type

development under a planning scheme for the municipal area;

‘**vehicle**’ has the same meaning as in the *Road Rules 2009*;

‘**Water Sensitive Urban Design**’ is as defined within the State Stormwater Strategy issued by the Tasmanian Government;

‘**works**’ means:

- a) “highway works” as defined under section 3 of the *Local Government (Highways) Act 1982*;
- b) any works to be carried out or being carried out in accordance with a permit granted under the *Building Act 2016* or construction works to be carried out or being carried out at a site including subdivisional construction works in accordance with a permit granted pursuant to the *Land Use Planning and Approvals Act 1993*;
- c) works for the construction, alteration, opening up, repair or modification of a crossing, highway or road;
- d) excavations of the highway including for the installation, maintenance, repair or modification of services;
- e) the erection of scaffolding or hoardings;
- f) placing freight containers or rubbish skips on the road;
- g) depositing soil, rocks, and mud or building materials on the road;
- h) using tracked vehicles or construction equipment on the road;
- i) the use of the road by any form of crane, or mechanically or hydraulically operated elevated platforms whether self-propelled or mounted on road vehicles;
- j) works as defined under Part III of this By-Law; and
- k) any other activity that requires the use of the highway or part of the highway, for the purpose of carrying out works at a site.

Currency of documentation

6. In this By-Law a reference to an Act, regulation, standard, code, publication or document includes a reference to any amended, updated, superseded, or altered Act, regulation, standard, code, publication or document.

Delegations

7. Where under this By-Law a matter may be determined by the Chief Executive Officer, the Chief Executive Officer may, in accordance with the *Local Government Act 1993*, delegate to an employee of Council, performance of those functions.

PART II – STANDARD REQUIREMENTS FOR HIGHWAYS IN SUBDIVISIONS

Standard Requirements

8. The provisions of this Part are Standard Requirements, and this includes the Tasmanian Standard Drawings, with respect to the dimensions and configuration and mode of construction of highways and works.
9. The Chief Executive Officer, at their discretion, may dispense with compliance with any requirement of this By-law.

Road Hierarchy

- 10.1 Each proposed highway or part of a highway is to be classified according to the road hierarchy described in this clause and is to meet the requirements of the road hierarchy unless the Chief Executive Officer approves alternative requirements.

- 10.2 The Chief Executive Officer may require traffic and/or planning information to be provided for proposed and/or existing highways prior to determining a road's classification in the road hierarchy.
- 10.3 Roads servicing industrial or commercial zoned land may be subject to special requirements as determined by the Chief Executive Officer. These special requirements may include but are not limited to street trees, footpath surface finishes and footpath widths, traffic calming and pedestrian crossings.
- 10.4 The road hierarchy consists of the following highway classifications:

Urban Roads:

'arterial road':

- i. means an urban highway that collects vehicles from sub-arterial and collectors and provides links between major activities, local areas, regional areas, and/or the State road network;
- ii. are not normally to be directly connected to a residential street; and
- iii. the nodes of collector roads with arterial roads are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

'sub-arterial road':

- i. means an urban highway that collects vehicles from residential streets and collectors and directs vehicles to arterial roads or local activities; and
- ii. the nodes of residential streets or collectors are to be staggered and separated by a distance of at least 100 metres unless the Chief Executive Officer permits otherwise.

'collector road':

- i. means an urban highway that collects vehicles from adjoining residential streets and directs vehicles to sub-arterials or arterial roads.

'local road':

- i. means an urban highway primarily providing access to abutting properties and can either be subject to through traffic or not.

Rural Roads:

'rural arterial':

- i. means a rural highway with an AADT greater than 2000 that collects vehicles from abutting properties, rural collectors or urban highways and links local or regional areas; and
- ii. the nodes of rural collectors with rural arterials are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

'rural collector':

- i. means a rural highway Class S4 with an AADT of less than 2000 that services rural

- properties;
- ii. is subject to low volumes of through traffic; and
- iii. directs vehicles to rural arterials, urban highways or local points of destination.

‘rural local road’:

- i. means a rural highway primarily providing access to abutting properties and can either be subject to through traffic or not.

Industrial Roads:

‘commercial/industrial collector road’

- i. means an industrial highway that collects vehicles from abutting properties and industrial streets and links them to arterial roads or rural arterials; and
- ii. the nodes of industrial streets with industrial collectors are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

‘commercial/industrial local road’ means an industrial highway that primarily provides access to abutting properties and is generally not subject to through traffic.

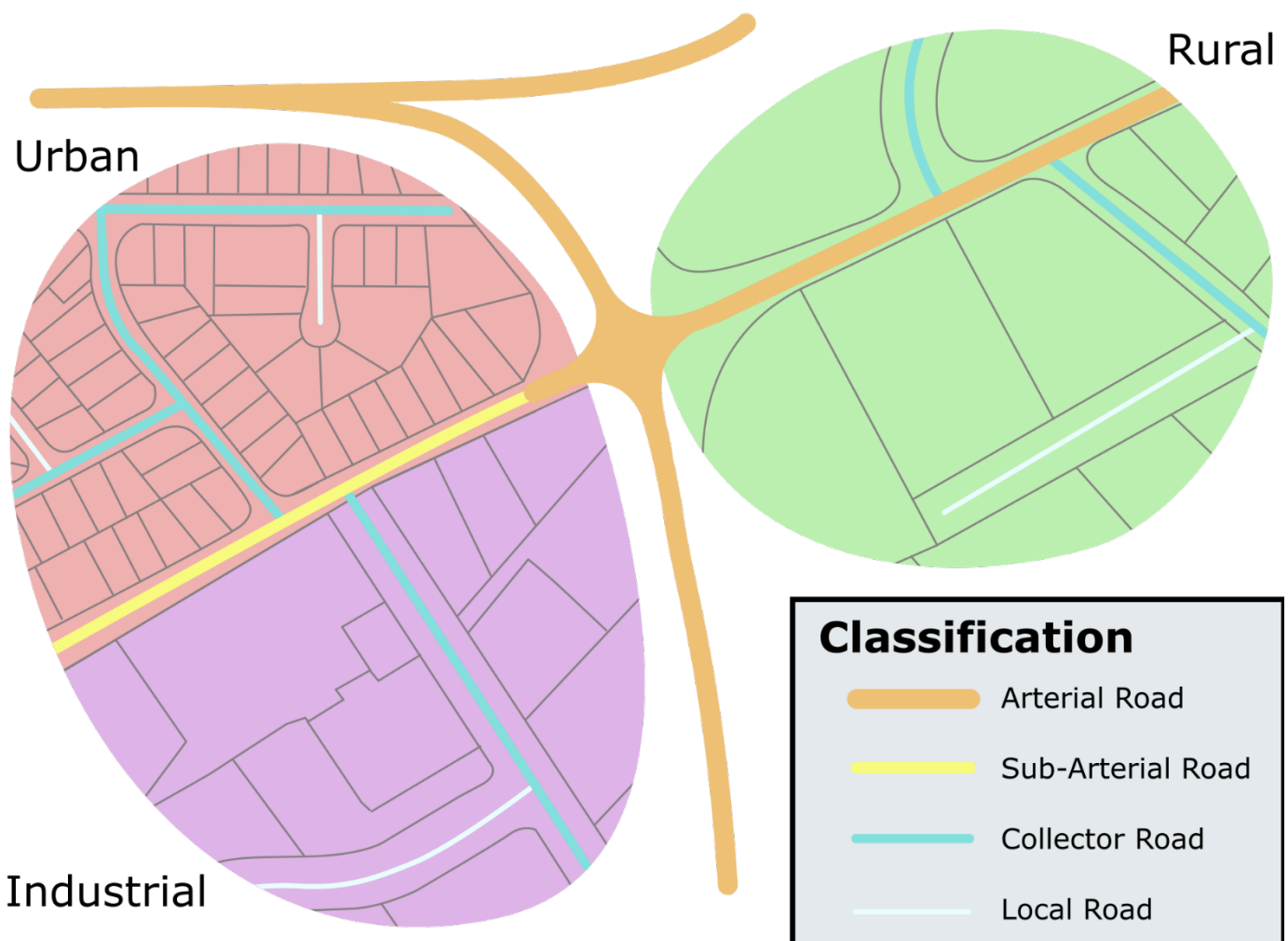


Figure 1 Typical road hierarchy (for illustrative purposes only)

General Geometric Design Requirements

- 11.1 The geometric lay out for all highways in the municipal area is to be in accordance with current geometric design and traffic-engineering practice as set out in the appropriate publications issued by Austroads, current Tasmanian Standard Drawings and in accordance with this By-Law.
- 11.2 The construction requirements for footpaths, crossings and kerb and gutter are to be in accordance with Part V of this By-Law.
- 11.3 The design vehicle speed is to be as determined by the Chief Executive Officer but generally is to be in accordance with the speed limits set by the Transport Commission.
- 11.4 The minimum requirements for horizontal and vertical alignments are to be determined by the stopping sight distance relative to the design vehicle speed adopted.
- 11.5 The Chief Executive Officer may require highway reservation widths to be increased in terrain requiring cut or fill embankments or where curves need to be widened to meet the requirements of this By-Law or to ensure that sight distance requirements can be met.
- 11.6 The junctions and intersections of highways are to be designed to provide SISD and ASD in accordance with Austroads' Guide to Traffic Engineering Practice, Part 4A – Unsignalised and Signalised Intersections.
- 11.7 Crossings to land adjacent to a highway are to be located and designed to provide SISD wherever possible. Where this is not possible, a crossing to a single dwelling may be designed to provide ASD as measured in Figure 3.2 of AS 2890.1, Parking Facilities – Off Street Car Parking.
- 11.8 Prior to approving or refusing any plans and specifications the Chief Executive Officer may require a traffic impact analysis including safety assessment of a design proposal and/or formal approval of the design from the Transport Commission or relevant State Government authority where appropriate.
- 11.9 The incorporation in a design of traffic management devices such as traffic signals and statutory speed limits, are to be approved by the Transport Commission or relevant State Government authority.
- 11.10 At intersections with two local roads, the radii of the kerb is to be 5 metres, unless there are extenuating topographical circumstances approved by the Chief Executive Officer.

Specific geometrical Design for Urban Highways

- 12.1 Unless otherwise approved by the Chief Executive Officer, and subject to clause 11, the sealed pavement widths, road reservation widths and footpath requirements of an urban highway are shown in Table 1 below.
- 12.2 Variations will be considered where the Chief Executive Officer deems on-road protected bike lane necessary. Where on road protected cycle infrastructure is installed, lanes must be 1.8 metres wide installed on both sides of the road with a 0.3 metre buffer to vehicular traffic.
- 12.3 Road reserve is to be assigned in such a way that all required street furniture and street trees can fit within the road reserve. The width of footpaths located within Public Open Space

connecting to an urban highway is to be designed at the discretion of the Chief Executive Officer. Consideration will be given to the number of potential users, topography, origin and destination and the broader pedestrian network.

- 12.4 Road and reservation widths shown in Table 1 are minimum requirements and increased reservations widths may be required to accommodate any or all of the following:
- a) high numbers of commercial vehicles e.g. buses, semi-Trailers and B-Doubles;
 - b) high traffic volumes;
 - c) provision for protected on-road bike lanes;
 - d) management of drainage or stormwater using Water Sensitive Urban Design principles; or
 - e) street trees and roadside furniture.
- 12.5 The Chief Executive Officer may impose variations to any of the requirements in Table 1 to suit specific project outcomes and to meet any relevant changes in recognised standards.
- 12.6 Intermediate road widths between the following ranges are not permitted unless by the discretion of the Chief Executive Officer:
- a) 6.9 metres and 8.9 metres (FOK); or
 - b) 8.9 metres and 11.0 metres
- 12.7 The minimum diameter of a road for a turning circle in a cul-de-sac is to be 18.0 metres to the FOK and is to be incorporated in a highway reservation of a minimum width of 25.0 metres unless wider reservation is required for bushfire management plans. Tee, Wye or Offset Square turning heads are not allowed unless approved by the Chief Executive Officer.
- 12.8 Curves on local roads are to be designed so that a design service vehicle can completely negotiate each curve without encroaching onto the kerb and gutter or, in the case of a dual lane road, the right hand side of the road.
- 12.9 Curves on collector roads are to be designed so that a design single unit truck or bus can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.
- 12.10 Junctions and intersections of collector roads or of collector roads with sub-arterial roads are to be designed so that a design single unit truck or bus can negotiate each turning manoeuvre without encroaching onto the kerb and gutter or into the opposing travel lane, except to pass directly across it where that is necessary.
- 12.11 Curves on arterial roads are to be designed so that a design prime-mover and semi-trailer can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.
- 12.12 The longitudinal gradient of the road and/or footpath is to have a longitudinal gradient not flatter than 0.5% and not steeper than 17%. The Chief Executive Officer may permit a grade maximum of 20% for lengths of highway up to 70 metres in special circumstances. The length of a highway at the steeper grade limit of 17% is not to exceed 200 metres. Footpaths located within any Public Open Space connecting to an urban highway and surfaced in concrete or other impervious material must incorporate handrails when grades are steeper than 1:14.

- 12.13 Footpaths which cross the road at intersections are to be convenient for the path user and must maintain the same longitudinal grade and a crossfall grade no greater than the adjacent road. Footpaths are not to be located where a path user must make an inconvenient detour either up or downhill to get to any access ramps to cross the road.
- 12.14 Street trees are to be planted in accordance with Council's Trees on Council Owned or Managed Land Policy 2021. Street trees along newly constructed roads are to be planted in accordance with TSD-R36 – Tree/Shrub Planting as a minimum and must conform to AS2303:2018 'Tree stock for landscape use'.
- 12.15 Cul-de-sacs are required to have pedestrian pathways or provision for such pathways at the cul-de-sac heads to connect to public open space or to road reserves in future stages of works.

Table 1: Urban Road Design Widths

Road Type	Road length	Minimum Road Pavement Width (lip to lip)	Minimum Reservation Width	Minimum footpath requirements
1 – Arterial	Any length	14.3 metres	25.0 metres	3.0 metres one side, 1.8 metres other side
2 - Sub- Arterial	Any length	11.0 metres	24.0 metres	3.0 metres one side, 1.8 metres other side
3 – Collector	Any length	11.0 metres	22.0 metres	3.0 metres one side, 1.8 metres other side
4 - Local (through road)	Any length	8.9 metres	20.0 metres	1.8 metres both sides
Local (Cul-de-sac)	Length > 150 metres	8.9 metres	20.0 metres	1.8 metres both sides
Local (Cul-de-sac)	Length ≤ 150 metres	6.9 metres	17.0 metres	1.8 metres one side only

Specific Geometrical Design - Rural Highways

- 13.1 Subject to clause 14, the minimum pavement width of a rural highway is to be in accordance with Standard Drawing TSD-R02 Class S4 or Class S5.
- 13.2 The minimum diameters for any turning circle in any cul-de-sac of rural highways and its associated highway reservation width is 18.0 metres to the edge of seal and is to be incorporated in a highway reservation of a minimum width of 25.0 metres. Tee, Wye or Offset Square turning heads are not allowed.
- 13.3 Curve widening is to be provided on all rural roads in accordance with the relevant section of Austroads' Guide to Road Design Part 3: Geometric Design.
- 13.4 The longitudinal gradient of the road is to have a longitudinal gradient not flatter than 0.5% and not

steeper than 17%. The Chief Executive Officer may permit a grade maximum of 20% for short lengths of highway up to 70 metres. The length of highway at the steeper grade limit of 17% is not to exceed 200 metres.

- 13.5 The longitudinal gradient of the pavement is to conform to the maximum and minimum grades as shown for kerb and gutter in clause 12(4), however, provided table drains are constructed at an appropriate grade to allow satisfactory flow, a flatter longitudinal gradient may be approved by the Chief Executive Officer.
- 13.6 Junctions and intersections of rural collector roads are to be designed so that a design service vehicle can negotiate each turning manoeuvre without encroaching onto the road shoulder or into the opposing travel lane, except to pass directly across it where that is necessary.
- 13.7 The form of vehicle control and turning manoeuvres to be accommodated at junctions and intersections with rural arterial roads will be determined by the Chief Executive Officer.
- 13.8 The Chief Executive Officer may require a rural highway to contain footpaths, dedicated cycle lanes, widened verges, and/or kerb and guttering on both sides of the pavement which may increase the road reserve width as defined in clause 12(1).

Specific Geometrical Design - Industrial Highways

- 14.1 Curves on industrial highways are to be designed so that a design prime mover and semi-trailer can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.
- 14.2 Gutter and footpath crossings and driveways to each lot are to be designed to accommodate the turning manoeuvres of a design single unit truck/bus vehicle, in particular to ensure that left turning vehicles do not need to encroach onto the opposing travel lane.
- 14.3 The minimum road pavement widths and minimum road reservation widths are to be in accordance with Table 2 below.
- 14.4 Junctions and intersections of industrial roads are to be designed so that a design prime mover and semi-trailer can negotiate each turning manoeuvre without encroaching onto the kerb and gutter/road shoulder or into the opposing travel lane, except to pass directly across it where that is necessary.
- 14.5 Cul de sacs are not accepted for the industrial highway other than the severely constrained location which may be approved by the Chief Executive Officer. Where a cul de sac is to be provided, the minimum diameter of the pavement for any turning circle in a cul-de-sac of an industrial highway is to be 24 metres and is to be incorporated in a highway reservation of a minimum diameter of 32 metres.
- 14.6 An industrial highway will also be either an urban or rural highway, and where this By-Law does not detail specific provisions for an industrial highway, the relevant Standard Requirements for an urban or rural highway are to be used.
- 14.7 Street trees are to be planted in accordance with council's Trees on Council Owned or Managed Land Policy 2021 and any future revisions of this policy and any documents associated with this policy. Street trees along newly constructed roads are to be planted in accordance with TSD-R36 – Tree/Shrub Planting as a minimum and should conform to AS2303:2018 'Tree stock for landscape use'.

Table 2

Road Type	Minimum Road Pavement Width	Minimum Reservation Width	Minimum footpath requirements
Industrial collector	14.3 metres	24 metres	1.8 metres each side
Industrial local road	As per TSD-R06	20 metres	1.8 metres each side

Provisions for Heavy Vehicles and Climbing Lanes

15. If the highway is considered to require additional pavement width for heavy vehicles, climbing lanes, parking lanes clear of travel lanes or because of the nature and projected volume of traffic, the Chief Executive Officer may determine the width to be constructed up to a maximum of 14.3 metres taking account of the terrain traversed, and the geometric design of the highway. Where the highway will become part of a bus route or may subject to regular use by heavy vehicles, the longitudinal gradient along the pavement centreline is not to exceed 10%.

Crossfall

- 16.1 The surface of the pavement is to have a crossfall of not less than 3% and not greater than 5%. The desired crossfall is 3%.
- 16.2 If required to suit super-elevation transitions, the Chief Executive Officer may approve crossfalls flatter than 3%. The maximum super-elevation crossfall is not to be greater than 8% and cross-slopes on turning heads are to be contained within the 3% to 8% range.

Pavement Design and Specification

- 17.1 The structural design of the pavement is to be determined by the investigation of the subgrade material encountered on each highway to be constructed and is to comply with the design criteria which the Chief Executive Officer considers relevant within the then current editions of:
- a) the Austroads Publication - "Guide to Pavement Technology" or
 - a) any other publication approved by the Chief Executive Officer for the purposes of this clause.
- 17.2 Pavements are to be designed for the minimum design traffic loading shown in Column 2 of Table 3 below for the appropriate highway type in Column 1:
- 17.3 All pavement materials used or intended to be used in the sub-base and base courses are to conform to the requirements of Council's standard specification for fine crushed rock.
- 17.4 Pavement designs are to be submitted to the Chief Executive Officer for approval as certified engineering drawings and specifications showing all relevant details of pavement and subgrade material's California Bearing Ratio (CBR).
- 17.5 The minimum pavement thickness is to be no less than 300 metres.

Table 3

Column 1	Column 2
Highway Type	Min. Design traffic loading (ESA's)

Urban	
Arterial Road	4.0×10^6 (to be justified by detailed design)
Sub-Arterial	1.0×10^6 (to be justified by detailed design)
Collector	1.0×10^6 (to be justified by detailed design)
Local Road (Dual Lane)	7.0×10^4
Rural	
Rural Arterial	1.0×10^6
Rural Collector	3.0×10^5
Rural Local Road	3.0×10^5
Industrial	
Industrial Collector	4.0×10^6
Industrial local road	1.0×10^6

Wearing Course and Pavement Markings

- 18.1 Subject to clause 18(4) the wearing course of pavements is:
- for urban highways to consist of bituminous concrete of a compacted thickness of at least 35 metres (AC 10);
 - for rural highways to be as required for urban highways or either of the following:
 - an application of primer followed by one application of bituminous binder and one application of aggregate (single coat seal); or
 - an application of primer followed by one application of bituminous binder and one application of aggregate followed by a further application of bituminous binder covered in turn by smaller sized aggregate (two coat seal).
- 18.2 The rate of application of primer and binder and the rate of application and size of aggregates in each case is to be as approved by the Chief Executive Officer.
- 18.3 Wearing course for an industrial highway is to be minimum 40 mm Asphalt bituminous Concrete (AC14).
- 18.4 Subject to clause 18(1) all wearing courses are to comply in design and construction procedure to the requirements, as the Chief Executive Officer considers relevant of the then current edition of any of the following:
- Austroads Guide to Pavement Technology Part 3: Pavement Surfacing;
 - Austroads Guide to Pavement Technology Part 4E: Recycled Materials;
 - AS 2150 - 2020, Asphalt – A Guide to Good Practice;
 - AS 2008 – 1997, Residual Bitumen for Pavements;
 - AS 1160 – 1996, Bituminous Emulsions for the Construction and Maintenance of Pavements;
 - AS 2157 – 1997, Cutback Bitumen; and
 - AS 2758.2 – 2021, Aggregates and Rock for Engineering Purposes – Specification for

sealing aggregate

- 18.5 The Chief Executive Officer may, subject to the provision of certified engineering drawings and specifications, allow the use of an alternative type of material in the pavement or wearing course provided it is not of a lesser standard than that provided in clauses 17 and 18, and with the standard required for construction being approved by the Chief Executive Officer.
- 18.6 Pavement markings such as linemarking, painted thresholds and any painted street art, are to be approved by the Chief Executive Officer. Painted thresholds are to clearly define the pedestrian priority at intersections.
- 18.7 All arterial, sub-arterial and industrial road pavement markings required for traffic devices are to be in thermoplastic.

Cuttings and Embankments

- 19.1 If a highway includes a nature strip or embankment, the nature strip or embankment is to:
- a) if the slope is not steeper than 1 in 4, be covered with a good quality top soil not less than 100 metres deep at any point, and be sown with grass or suitable native vegetation of a type and in a manner and location approved by the Chief Executive Officer;
 - b) if the slope is steeper than 1 in 4, be constructed in a manner as required by the Chief Executive Officer. Any treatment to maintain the bank slope must be low maintenance.
- 19.2 An appropriate flat area is to be allowed for services within the road reserve
- 19.3 A cutting or embankment is to have a slope no steeper and a height no higher than those specified in the following table 4:

Table 4

Material	Vertical	Horizontal
Solid Rock	1	in 0.5
Loose Rock	1	in 2.00
Soil	1	in 2.00
Sand	1	in 3.00

- 19.4 A fill embankment steeper than 1 in 4, requires engineering stabilisation works to the satisfaction of the Chief Executive Officer.
- 19.5 If the Chief Executive Officer considers necessary, road construction and batters are to be fully contained in the highway reservation.
- 19.6 If the Chief Executive Officer determines that any highway, or land adjoining the highway, or crossing to that land, requires support, retaining walls, batters and/or other structures, then such supports, retaining walls, batters and other structures are to be certified by a suitably qualified engineer and constructed of such materials and to such design and standards as the Chief Executive Officer requires. This may include the owner of the land entering into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993 (Tas.)* with Council in relation to the on-going maintenance of the constructed support, retaining wall, batter and other structure to support the

owner's land.

- 19.7 Where land adjoining or abutting a highway requires support, retaining walls, batters or other structures to support that land, the Chief Executive Officer may require the owner of that land to be responsible for providing the necessary certified engineering drawings and specifications for the design of the required support, retaining walls, batters or other structures to support the owner's land, building or structure which may be required to be carried out at the owner's expense.
- 19.8 Services are to be located a minimum of 1 metre away from the toe of any embankment, unless supported by a suitably qualified person and approved by the Chief Executive Officer.

Stormwater System

- 20.1 A public stormwater system must be designed in accordance and to comply with the requirements under the 'Stormwater Management Procedure for New Development' and comply with the requirements of the "Australian Rainfall and Runoff" produced by Engineers Australia;
- 20.2 Stormwater systems are also to be designed in accordance with the following:
- a) concrete entry (gully) pits conforming to the Tasmanian Standard Drawings for the collection of water from the kerb and gutter are to be constructed at each low point, tangent point and at other locations required for the satisfactory drainage of the highway;
 - b) the length of kerb and gutter draining to an entry pit is to not exceed 90 metres and the depth of entry pits is to not exceed 1.5 metres unless otherwise agreed by the Chief Executive Officer;
 - c) concrete junction pits conforming to the Tasmanian Standard Drawings are to be constructed at locations where pipelines intersect or change direction or change gradient;
 - d) similar type pits for access purposes are to be constructed on straight pipelines; and
 - e) the maximum distance between any two connected entry pits, junction pits or access pits is to be 90 metres unless otherwise agreed by the Chief Executive Officer.
- 20.3 The minimum internal diameter of pipes used for the drainage of stormwater within any highway is to be 300 mm.
- 20.4 Calculations upon which the stormwater system design is based including details of catchment areas are to be submitted with the certified engineering drawings and specifications. If practicable, systems are to be designed so that all land served continues to drain to the catchment into which it naturally drains. An applicant must contact Council to determine if the development negatively impacts the downstream capacity of the network to the outfall.
- 20.5 Any pipeline constructed to carry off stormwater from a highway may also be used for the drainage of other land and for the piping of watercourses and is to be designed in accordance with this clause.
- 20.6 Each lot is to drain and connect with a pipe drainage system. Kerb outlet is not accepted unless authorised by the Chief Executive Officer.
- 20.7 If the kerb outlet is approved by the Chief Executive Officer in accordance with clause 20(6), the kerb outlet is to be constructed as per the Tasmanian Standard Drawing from a minimum 450 mm x 450 mm sump inside the lot boundary to the kerb, terminating through galvanised steel kerb adaptors for the full depth of the kerb.

- 20.8 Sub-surface drains as shown on the Tasmanian Standard Drawings are to be installed behind all kerbs. Sub-surface drains are to discharge to the nearest pits.
- 20.9 The Chief Executive Officer may require:
- a) cut-off drainage to be constructed to intercept surface or ground water;
 - b) sub-surface drainage is to be constructed to intercept sub-surface water; and/or
- 20.10 The Chief Executive Officer at their discretion may require the stormwater system to be connected to:
- a) the nearest watercourse, an intermittent drainage path or a groundwater recharge pit into which the stormwater runoff may be reasonably drained; or
 - b) to a point in the Council's stormwater system. This may involve crossing the road to access the system.
- 20.11 If footpaths, kerbs and/or gutters are not required on either or both sides of the pavement of a highway, table drains and shoulders are to be constructed of such dimensions and design criteria as the Chief Executive Officer requires.

PART III – DESIGN APPROVAL, CONSTRUCTION AND INSPECTION OF WORKS

Approval of Works

- 21.1 All works that are subject to this By-Law are to be detailed by certified engineering drawings and specifications prepared in accordance with this By-Law prior to commencement of any works.
- 21.2 The Chief Executive Officer may accept certified engineering drawings and specifications subject to any conditions considered necessary to satisfy the standard requirements.
- 21.3 The certified engineering drawings and specifications submitted for approval are to be accompanied by such pavement design calculations as are necessary to meet the requirements of those publications set out in this By-Law together with details of the California Bearing Ratio of the subgrade from tests carried out and certified by a laboratory accredited by the National Association of Testing Authority (NATA).
- 21.4 Prior to accepting certified engineering drawings and specifications or after accepting certified engineering drawings and specifications but prior to the commencement of works, the Chief Executive Officer may require test results from a laboratory accredited by the National Association of Testing Authority (NATA) with respect to any materials to be used in the works.
- 21.5 The Chief Executive Officer may refuse to accept the use of materials or methods of construction where the Chief Executive Officer is not satisfied that those materials and methods of construction will satisfy the standards required in this By-Law or where Council is likely to incur unreasonable additional costs in the ongoing operation & maintenance of the assets.
- 21.6 Services which are proposed to be located within the highway reservations in subdivisions, are to be located and constructed in accordance with the alignment nominated in the Tasmanian Standard

Drawings and any other requirements of the Council.

- 21.7 The approval of the Chief Executive Officer is to be obtained where any variation to the Tasmanian Standard Drawings is proposed.

Non-approved works

22. The Chief Executive Officer may require works, which do not comply with the Standard Requirements and/or the certified engineering drawings and specifications, or works that have been carried out without prior approval or a permit to:
- a) be completed in accordance with the Standard Requirements by whatever reasonable means the Chief Executive Officer determines;
 - b) cease or be suspended; and/or
 - a) be removed and replaced at the expense of the person responsible for carrying out the works, or the person who has carried out the works.

Postponement of Works

23. The Chief Executive Officer may require postponement of any highway works to enable other works to be undertaken within the highway reservation by Council or by any person or statutory body authorised to undertake those works within the highway reservation.

Notification and Inspection of Works

- 24.1 For all works associated with Council's road reserves or subdivision works, a person must provide no less than two business days' notice means of a 'Start of Works Notice' to the Chief Executive Officer of the commencement of any of the following works:
- a) soil & erosion control in accordance with any approved soil and water management plan or similar;
 - b) weed management measures in accordance with any approved weed management plan or similar;
 - c) laying pipelines for stormwater drainage;
 - d) preinstallation of all stormwater quantity and quality treatment devices;
 - e) preparation of subgrade;
 - f) construction of sub-base course;
 - g) construction of base course;
 - h) construction of kerb and gutter;
 - i) construction of a crossing;
 - j) application of wearing course;
 - k) post installation of all stormwater quantity and quality treatment devices, and
 - l) construction of footpaths, nature strips, crossings and accesses.
- 24.2 The Chief Executive Officer may fully inspect, monitor and call for tests of any of these works or any materials to be used in such works to determine compliance with the certified engineering drawings and specifications and the Standard Requirements.

- 24.3 The wearing course is to be completed within 3 working days from the date of approval of the base course by the Chief Executive Officer.
- 24.4 The surface of the base course is to be maintained in good condition until the application of the wearing course, however, should the above-mentioned period go beyond 3 working days, a further inspection may be required.
- 24.5 Subject to clauses 24.1 and 24.2, the designs, drawings, plans, specifications, materials, workmanship, method of construction and finish of all works are to be in accordance with the requirements of the Chief Executive Officer.
- 24.6 No work is to commence until the Chief Executive Officer has considered the certified engineering drawings and specifications and provided authority for the works to proceed Any works completed prior to the issue of certified drawings may require reconstruction in accordance with approved drawings or demonstrated for its acceptance.

Testing and Acceptance of Works

- 25.1 The Chief Executive Officer may require additional testing of the works to be undertaken at the owner's or applicant's expense to determine compliance with the certified engineering drawings and specifications and the Standard Requirements.
- 25.2 A certificate of completion will be issued by means of a certificate of completion in accordance with section 10 of the *Local Government (Highways) Act 1982 (Tas.)* upon satisfactory completion of the works in accordance with clause 25(3).
- 25.3 Works are to be completed in accordance with the certified engineering drawings and specifications and the Standard Requirements to the satisfaction of the Chief Executive Officer prior to acceptance under section 12 of the *Local Government (Highways) Act 1982 (Tas.)*.
- 25.4 The following documents outlined in Table 5 must be submitted prior to the issuing of the certificate of completion in accordance with clause 25(2).

Table 5

Document	Standards
As-constructed drawings	As per Council's requirements
CCTV report and footage	For all stormwater pipes greater than 300 mm diameter or as required for other reasons.
Operations & Maintenance Schedule for any devices or system	For all stormwater devices and proprietary devices including Play equipment if applicable
Any quality control checks that may be required	As nominated by the Chief Executive Officer

PART IV – ACCESS MAINTENANCE REQUIREMENTS

Responsibility of Owners

- 26.1 The owner of land who is the sole beneficiary of the access to that land, is responsible for the

maintenance of the vehicular crossing from the edge or bitumen/kerb to the property boundary. The owner of land is also responsible for the damage caused to the crossing, part of footpath within the crossing or services, as a consequence of vehicles used by or on behalf of the owner/occupier for carrying out works adjoining that footpath, crossing, infrastructure, or adjacent area of the highway or road next to the owner's land.

- 26.2 The Chief Executive Officer may, by notice, direct an owner of land to make good any damage referred to in clause 26(1) if it deemed to be caused by the owner or working on behalf of the owner.
- 26.3 The Council may recover from the owner of land referred to in this clause, reasonable costs it has incurred as a consequence of not being repaired or reinstated on timely manner.

PART V – CROSSINGS, KERB AND GUTTER, FOOTPATHS

Construction of Crossings by Council

27. Council may construct, repair or remove a crossing that provides access to land in private ownership without cost to the landowner under following circumstances:
- a) the crossing is within an area where road reconstruction works are to be carried out by Council;
 - b) the crossing requires replacing under any other planned works including footpath or kerb & gutter works
 - c) Council has recently carried out reconstruction works that have caused damage to the crossing; or
 - d) the crossing is no longer in use.

Application to Construct Crossing

- 28.1 The owner of land is responsible for the costs associated with the construction, repair, maintenance and renewal of any crossing or culvert located under the crossing to that land. The crossing is to be constructed, repaired, maintained and renewed in a manner, and to a standard required by the Chief Executive Officer.
- 28.2 An application (Permit to works on or affecting a Highway or nature strip) for the construction or the alteration of a crossing is to be made in writing in an approved form and forwarded to the Chief Executive Officer by the owner of the land or a person on behalf of the owner with the owner's consent.
- 28.3 The Chief Executive Officer may issue a permit to construct or alter a crossing to a person on such conditions as the Chief Executive Officer may direct or require.
- 28.4 A person must not construct or alter existing crossing in the municipal area without a permit.
- Penalty: Fine not exceeding ten (10) penalty units.

Provision and Location of Crossings

- 29.1 A crossing in the municipal area is not to be sited within the curved section of kerbing and guttering which joins intersecting streets or roads and is not to be sited within the area where such kerbing and guttering may be planned for future road or street construction.

- 29.2 A new building in the municipal area is to be built to make use of an existing crossing in a kerb and gutter where practicable.
- 29.3 If a new building is sited so that an existing crossing is redundant the existing crossing is to be reinstated as normal kerb, gutter/drain and path as part of the cost of providing the new crossing to the new building.
- 29.4 If a new crossing is required in an existing concrete footpath, the cost of the new crossing is to include the cost of such replacement, strengthening and regrading of the footpath as the Chief Executive Officer may direct.
- 29.5 Where a crossing replacement or upgrade is required, the entire length of the crossing must be replaced as well as the footpath as part of the apron.

Design and construction of Footpaths and Accesses

- 30.1 Footpaths are to be designed and constructed adjacent to the property boundary where topographically possible.
- 30.2 Footpaths are to have a minimum width as shown in Table 1 and Table 2 and a crossfall of 2.0% towards the kerb and gutter (can vary up to 4% for short lengths at the Chief Executive Officers discretion). Footpaths constructed on bus routes are to be constructed with a crossfall no more than 2%.
- 30.3 The centre line of multi user paths (paths 3.0 metres wider and greater) must have median linemarking.
- 30.4 Footpaths are to be constructed of:
- a) concrete having a minimum 28 day compressive strength of 25 MPA, minimum thickness 150 mm, reinforced with SL72 mesh placed centrally and dowelled to any contiguous kerb with 300 mm long R10 reinforcement placed at 1000 mm centres.
 - b) The footpath on the multiuser path, are to be constructed with saw cut joint and must not include tool joints.
 - c) Foam is to be removed from any expansion joints and an approved sealant must be used to seal between the concrete panels; and
 - d) Alternative paving materials and methods of construction may be approved by the Chief Executive Officer.
- 30.5 Light poles and other major obstructions are to be set back 0.5 metres from all footpaths to provide clearance for all footpath users. Signs are to be located away from footpaths where possible.

Design and construction of Kerbs and Gutters

- 31.1 If kerbs and gutters are required then each are to conform to the minimum requirements set out in this clause.
- 31.2 Kerb and gutter is to be formed using a continuous forming machine with concrete having a 28 day compressive strength of 20 MPa in accordance with the dimensions shown on the relevant Tasmanian Standard Drawing.

- 31.3 If the Chief Executive Officer approves, kerb and gutter or kerb of an alternative shape and dimension may be used. Roll over kerbs are undesirable and project specific reasoning is to be supplied with the application for approval. Semi mountable kerbs require a formed crossover at any access point.
- 31.4 Prior to the construction of kerbs and gutters and kerbs, the pavement sub-base course is to be constructed and compacted to extend at least 150 mm behind such kerbs and gutters and kerbs, and the surface shaped and thoroughly compacted with fine crushed rock to provide a base upon which the kerbs and gutters and kerbs can be constructed.
- 31.5 Kerbs and gutters are to have a longitudinal gradient not flatter than 0.5% and not steeper than 17%. The Chief Executive Officer may permit a grade of 20% for short lengths of highway up to 70 metres in special circumstances. The length of highway at the steeper grade limit of 17% is not to exceed 200 metres.
- 31.6 All intersections to have an access ramp connecting footpaths in each direction.

Design and construction of Gutter Crossings and Footpath Crossings

- 32.1 If gutter crossings and footpath crossings are required then each is to be formed to the minimum requirements set out in this clause.
- 32.2 Sufficient work is to be undertaken between the edge of the pavement and the property boundary to provide reasonable vehicular access to the adjacent property.
- 32.3 If footpaths and/or kerbs and gutters are to be constructed, a footpath crossing and/or gutter crossing is to be constructed at the same time for each or any lot having access to or from that section of the highway.
- 32.4 Reasonable vehicular access is to be a paved area consisting of at least:
- a) in urban areas if concrete footpaths are constructed, 150 mm thick concrete having a 28 day compressive strength of 25 MPA and reinforced with SL72 mesh placed centrally;
 - b) in rural areas, fine crushed rock to a compacted depth of 200 mm with a wearing course either of 30 mm bituminous concrete or a one or two coat seal as required under this By-Law;
 - c) in commercial and industrial subdivisions the minimum requirement is to be as determined by the Chief Executive Officer;
 - d) single crossings are to have a minimum useable width of 3.6 metres and up to 5.50 metres unless otherwise approved by the Chief Executive Officer. In rural areas have 6.0 metres (minimum) radius on both sides to allow for the turning movement of vehicles. The crossing must be minimum of 8 metres wide in an industrial or commercial properties; and
 - e) all vehicular movement is to be contained within the property and must not encroach into the road reserve.
- 32.5 The following requirements for gutter crossings to provide for vehicles apply:
- a) gutter crossings are to conform to the minimum dimensions shown on the relevant Tasmanian Standard Drawing and a maximum width of up to 5.50 metres wide for residential use and be in a location as shown on the approved plans;
 - b) a gutter crossing in a concrete kerb and gutter in the municipal area is to be of the dish

or open invert type unless otherwise approved by the Chief Executive Officer;

- c) all gutter crossings are to provide adequate width for all required vehicle movements at the crossing;
- d) if it is considered necessary by the Chief Executive Officer, gutter crossings are to be reinforced with SL72 mesh placed 30 mm from the bottom of the concrete.

32.6 For bituminous concrete footpaths, footpath crossings are to have the FCR base increased to a minimum of 250 mm compacted thickness for a width of 5.6 metres at all standard length vehicular crossings.

Use of Land Adjoining a Highway

33.1 The Chief Executive Officer may, by notice, require the owner of land or the person carrying out works on land to make appropriate provision for the protection of a crossing, footpath, services, road or highway.

33.2 A person must not deposit mud or other material on a road, or drive a vehicle which has excess mud or other material on its tyres or elsewhere so that that mud or other materials is left on the road.

Penalty: a fine not exceeding ten (10) penalty units.

33.3 The Chief Executive Officer may, by notice, require the owner of the site or the person carrying out works at the site to remove any mud or materials left on a road by vehicles that ingress or egress to a highway from that site.

PART VI – WORKS IN HIGHWAYS OR ADJACENT TO HIGHWAYS

Permit for Works

34.1 Where required, a person must obtain a permit from Council and all required permits and approvals from other Authorities before carrying out works in or on a highway, or road, or which affects a highway or road, or using or developing a road reservation.

Penalty: a fine not exceeding ten (10) penalty units.

34.2 The permit must be available onsite for all times for Council officers to review if required. [OBJ]

34.3 The Chief Executive Officer may issue a permit for works, on such reasonable conditions as the Chief Executive Officer may require.

34.4 A permit issued pursuant to this By-Law is not assignable or transferable to any person except with the written consent of the Chief Executive Officer.

34.5 Notwithstanding the issue by Council of a planning permit to undertake works associated with development, a permit is required to be obtained from Council to undertake those highway works under this By-Law. The submission of design drawings for approval to Council will not be recognised as an application for a permit under this clause. The approving of the design drawings for those highway works will not recognise Council's permit under this clause.

Works on Highways

- 35.1 A permit which provides for works on a highway may specify:
- a) the steps to be taken by the permit holder to protect the highway from damage;
 - b) the Standard Requirements and conditions applicable to any works to be permitted within the highway reservation;
 - c) the standard for reinstatement of any damage caused to a highway by works;
 - d) the details of any fees required by Council to cover the cost of inspections by an authorised person; or
 - e) any other matters which the authorised person requires the permit holder to satisfy in carrying out the works.
- 35.2 The Department of State Growth's Code of Practice for Traffic Control for Works on Roads or its successor is to form part of the permit.
- 35.3 Any referenced Tasmanian Standard Drawing or specification is to form part of a permit.
- 35.4 A person who has been granted a permit for works must comply with all conditions and requirements of that permit and relevant notices.
- Penalty: a fine not exceeding ten (10) penalty units and in the case of a continuing offence, a further fine not exceeding five (5) penalty units for each day during which the offence continues.
- 35.5 If a permit holder refuses or fails to carry out the works in accordance with a permit, the authorised person may, following written notice to the permit holder, suspend, cancel or terminate the permit.
- Penalty: a fine not exceeding ten (10) penalty units and in the case of a continuing offence, a further fine not exceeding five (5) penalty units for each day during which the offence continues.
- 35.6 The Council may arrange for the works referred to in clause 35(5) to be carried out and completed if the permit holder refuses or fails to carry out the works in accordance with the permit or in accordance with the requirements of a notice, and Council may recover any costs or expenses incurred by Council in completing those works from the permit holder.
- 35.7 All re-instatement works are to be completed to the satisfaction of the Chief Executive Officer.

Works carried out without approval

36. If works are being carried out by a person on a highway, road, or any land adjacent to that land without a permit or other approval from Council or an Authority, an authorised person may give notice to the person undertaking the works that within a required time:
- a) the works affecting the highway or road are to cease or be suspended;
 - b) the highway, road, site or land is to be made safe;
 - c) any obstruction of the highway is to be removed;
 - d) any works which are not approved are to be removed and the highway reinstated to the condition that it was in immediately prior to those works being carried out;

- e) any damage caused by those works is to be made good to a standard acceptable to the Chief Executive Officer;
- f) the person is to seek retrospective approval from Council.

Suspension or Cancellation of Permit

- 37.1 The Chief Executive Officer may suspend or cancel any permit under this By-Law if the permit holder fails to observe or comply with the terms and conditions of the permit or the provisions of this By-Law or the requirements of a notice.
- 37.2 If a permit issued under this By-Law is to be suspended or cancelled, then the Chief Executive Officer may serve a written notice upon the permit holder stating that the permit is suspended or cancelled and giving the reasons for the suspension or cancellation.
- 37.3 Service of a notice of suspension or cancellation of a permit under this By-Law is effected by serving a written notice:
 - a) on the permit holder personally; or
 - b) by certified or ordinary mail.
- 37.4 The suspension or cancellation of any permit issued pursuant to this By-Law is to take effect from the time that the notice of such suspension or cancellation is served on the permit holder.
- 37.5 A permit granted by the Council under this By-Law is to lapse if the requirements of the permit are not carried out within the time required by the permit or a notice.

Execution of Works

- 38.1 The Chief Executive Officer may require a permit holder or person to whom this By-Law applies to execute such work and to use such materials as the Chief Executive Officer may direct.
- 38.2 The Chief Executive Officer may, by notice, require and direct that any work to be carried out under this clause is to be executed or carried out only by a person with appropriate qualifications.
- 38.3 The Chief Executive Officer may, by notice, require and direct that any work to be carried out under this clause is to be carried out by the Chief Executive Officer if the person to whom this clause refers fails or refuses to carry out that work and any expenses incurred by Council in carrying out that work are to be recoverable from that person by the Council in a manner considered appropriate by the Chief Executive Officer.

PART VII – SECURITY

Requirement for Bonds and Deposits

- 39.1 As security, the Chief Executive Officer may require a person to whom this By-Law applies to deposit with Council, or enter into a bond or guarantee with Council for payment to Council of such costs as the Chief Executive Officer requires:
 - a) for the cost of any works to be carried out;

- b) to remedy any damage which may occur or has occurred to any Council crossing, services, infrastructure, pavement, road or highway as a result of any works or non-approved works being carried out;
 - c) to provide security against any reasonable costs which the Council may incur as a result of the execution of any works; or
 - d) as a condition of a permit.
- 39.2 Council may require the security referred to in this clause to be reduced or increased if the Chief Executive Officer considers the amount of the security should be changed.
- 39.3 The security must be:
 - a) in a form and substance wholly satisfactory to Council; and
 - b) in the case of a bank guarantee expressed to be payable unconditionally on demand by the Council without the permission of the permit holder or any other person and provided by a bank approved by the Council or authorised person.
- 39.4 The security may be drawn against or utilised by the Council for such amounts the Council requires for:
 - a) the reimbursement to the Council for any cost, expense, liability, damage or loss incurred by the Council arising out of or in relation to any failure or refusal by a person to whom this By-Law applies to carry out, perform and fulfil any of that person's obligations under the By-Law or a permit to the satisfaction of the Council or authorised person in accordance with the requirements of a permit or other approval; and/or
 - b) payment to the Council of any amount due and owing to the Council by a person to whom this By-Law applies that arises out of any condition of a permit or other approval.

Retention of Bonds and Deposits

- 40. The Chief Executive Officer may determine that all or part of the security referred to in this Part is to be retained by Council as a result of the Council incurring any expense in relation to any failure or refusal by any person to whom this By-Law applies to carry out the works as directed or required or carry out those works in accordance with a permit.

Release of Bonds and Deposits

- 41. Security provided to the Council in accordance with this clause or available to the Council or the balance of the security after the deduction of the Council's expenses are to be forwarded to the person to whom this By-Law applies following final inspection and approval by the Chief Executive Officer of the works carried out.

PART VIII ENFORCEMENT

Enforcement

- 42.1 An authorised person may remove any person from a road, highway or crossing or other public land referred to in this By-Law if the authorised person reasonably believes that the person is offending against any provision of this By-Law or acting in contravention of a permit issued to a permit holder or acting without a permit or acting contrary to a notice.
- 42.2 The authorised person may also remove anything which has been placed on, made, constructed or left on that land by a person without the approval of the Chief Executive Officer.

- 42.3 A police officer may assist an authorised person to carry out any of the actions specified in this clause and may, in doing so, arrest any person who is on that land and whom the police officer reasonably believes is offending against any provision of this By-Law.

Issue of Notices for the Repair of Damage

43. If a road or any other property controlled or maintained by the Council has sustained damage that has been:
- a) caused by works at a site with or without a permit; or
 - b) by vehicles being driven between the pavement and privately owned land other than by means of a properly constructed crossing,

the Chief Executive Officer may give notice to the owner of the land abutting or adjoining a damaged footpath, crossing, pavement, infrastructure, road or other land owned or under the control of Council where that damage has in the reasonable opinion of the Chief Executive Officer occurred as a result of works carried out on the owner's land or by vehicles driven between the pavement and privately owned land other than by means of a properly constructed crossing, require that the damage be repaired within the time and in accordance with any specifications specified in the notice.

Compliance with Notice

44. A permit holder or a person to whom this By-Law applies must comply with any notice served on, or given to that person by an authorised person, a police officer, or the Chief Executive Officer.

Penalty: Fine not exceeding five (5) penalty units.

Offences

45. Any person who contravenes or fails to comply with any of the relevant provisions of this By-Law or notice is guilty of an offence under this By-Law and liable on conviction to the penalty set out in the relevant provision.

Infringement Notices

- 46.1 In this clause – "specified offence" means an offence against the clause specified in column 1 of Schedule 1.
- 46.2 An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- 46.3 Payment of an infringement notice issued under this by-law must be made to the Chief Executive Officer within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- 46.4 An authorised person may –
- a) issue an infringement notice to a person who the authorised person has reason to believe is guilty of a specified offence; and

b) issue one infringement notice in respect of more than one specified offence.

- 46.5 The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-Law.
- 46.6 In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

Recovery of Expenses

47. In addition to any penalty imposed in relation to any failure by a person to comply with any of the provisions of this By-Law, any expenses incurred by the Council as a consequence of that contravention are to be recoverable by the Council as a debt payable by that person.

Provision of Name and Address

48. If required to do so by an authorised person, Chief Executive Officer or a police officer, in relation to a matter arising under this By-Law, a person must provide his or her name or address to the authorised person, Chief Executive Officer or a police officer when required to do so.

Penalty: a fine not exceeding five (5) penalty units.

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCE

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
28.4	Construct a crossing without a permit	4
33.2	Deposit or allow mud or other material to be left on a road	3
34.1	Carry out works on a road without a permit	5
35.4	Fail to comply with conditions of a permit and relevant notices	5
35.5	Refuse or fail to carry out works in accordance with a permit	5
44	Fail to comply with a notice issued under the By-Law	5
48	Fail to provide name	3

Certified as being in accordance with the law by:

Clare Shea, Legal Practitioner

Dated this day of 2025 at Rosny Park

Certified as being in accordance with the *Local Government Act 1993* by:

Ian Nelson, Chief Executive Officer

Dated this day of 2025 at Rosny Park

The common seal of the Clarence City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 2025 in the presence of:

Ian Nelson, Chief Executive Officer

Dated this day of 2025 at Rosny Park