

12.1.16 Policy on Temporary Road Closure

Responsible Officer: General Manager
Author: General Manager
Implications: Operational
File Reference: C9/7
Attachments: Draft Policy
Separately Circ: Nil
Tabled: Nil

Recommendation

That Council adopts the policy entitled "Temporary Road Closure" as a draft with a view to publicly exhibiting it for 21 days.

Purpose

To consider a draft policy.

Summary

Self explanatory.

Report

Council has previously requested a policy to temporarily close unsealed roads under certain circumstances (outlined in the policy).

Currently it is Council policy to close an unsealed road under the Roads Act if there is a rain event which may result in the road to be unsafe or where damage may occur as a result of vehicles moving along the road.

This proposed policy details the circumstances of temporarily closing a road with a provision for exemptions.

Council may wish to consider a condition requiring the owner of the vehicle or the driver of the vehicle to provide some form of bond or security covering the cost of repairs.

Any acceptance of the conditions as proposed should be in writing and signed by the owner of the vehicle or the driver of the vehicle. An indemnity and release will be in writing.

Preliminary advice recently given from Council's insurer indicates that the policy will not void currently policies.

It is proposed to exhibit this policy widely rather than to specific land owners because of its effect on the travelling public and residents.

Policy and Management Plan Implications

Substantially revised policy.

Conclusion

The proposed policy provides more flexibility under certain circumstances.

TEMPORARY ROAD CLOSURE POLICY

Introduction

- Wentworth Shire Council ("Council") is the roads authority for all public roads within its local government area other than freeways, Crown roads or a public road for which some other public authority is declared by the regulations to the Roads Act 1993 to be the roads authority.
- Under the Roads Act 1993 Council has power to regulate traffic on a public road for which it is the roads authority by means of barriers or notices and accordingly is empowered to temporarily close a public road in certain circumstances.
- Council's local government area contains over 2000 kms of unsealed public roads.
- It is intended that this policy is to apply primarily to unsealed roads in Council's local government area although in appropriate circumstances it will also apply to sealed public roads.
- Council is responsible for the development and maintenance of public roads for which it is the roads authority to service the community and in making decisions with respect to public roads for which it is the roads authority Council needs to balance the considerations of safety to public road users, the risk of damage to public roads, the recovery of the costs of repair of damage to public roads and the need for certain public road users to use the public roads during periods of closure.

Policy

1. Council will take measures available to it to close a public road to traffic where, in Council's opinion, it is necessary for the purposes:
 - (a) of protecting a public road from serious damage by vehicles or animals as a result of wet weather, or
 - (b) of protecting earth roads or unsealed roads from damage caused by heavy vehicles or by animals; or
 - (c) of protecting members of the public from any hazards on a public road; or
 - (d) of protecting vehicles and other property on the public road from damage.
2. In the event that Council takes measures to close a public road in accordance with 1 above then the public road will remain closed to traffic and the measures taken by Council for the closure of the public road shall remain in place for the period of time that in Council's opinion it is necessary to close the public road to traffic for the purpose for which it is closed.
3. A person must not cause any vehicle or animal to pass along a length of public road that has been closed to traffic in accordance with 1 above.

Exemptions

4. Upon written application being made to Council it will consider providing its approval for the following vehicles only to pass along a length of public road during the period that it is closed to traffic in accordance with 1 above:
 - (a) vehicles used by people who live on a public road closed to traffic when that public road is the only means of access to their property; or

- (b) vehicles carrying produce for sale which is produced from a property on a public road closed to traffic when that public road is the only means of access to that property.
5. Council will only give approval for vehicles in 4 above to pass along a length of public road during the period that it has been closed to traffic if:
- (a) the owner of the vehicle and the driver of the vehicle agree to pay to Council the full costs incurred by Council in repairing any direct damage caused to the public road by the vehicle passing along it; and
 - (b) the owner of the vehicle provides proof of registration of the vehicle and proof of insurance coverage for damage that might be caused to property or people by the use of that vehicle; and
 - (c) the owner of the vehicle agrees to indemnify and keep indemnified Council from any claims the owner may have arising out of the use of the vehicle on the public road during the period it is closed to traffic and releases Council from any claims that it may have had against Council; and
 - (d) the driver of the vehicle (if the driver is not the owner of the vehicle) agrees to indemnify and keep indemnified Council from any claims the driver may have arising out of the use of the vehicle on the public road during the period it is closed to traffic and releases Council from any claims it may have had against Council; and
 - (e) the owner of the vehicle and the driver of the vehicle sign a document confirming the indemnity and release.
6. Any approval given by Council must be in writing.