Policy Template

Events in the Local Government Road Reserve

***Note:*** *WALGA provides this policy template for Local Governments to develop or amend policy relevant to events in the local road reserve. This policy template provides suggested wording only. Local Governments should consider developing and implementing a policy according to their relevant Local Law, governing documents and operational requirements.*

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# Introduction

Events in the road reserve can create potential hazards giving rise to personal injury or damage to property resulting in loss, litigation or prosecution if reasonable care is not taken to protect people in the road reserve.

The *Land Administration Act 1997* states, “subject to the *Main Roads Act 1930* and the *Public Works Act 1903*, the local government within the district of which a road is situated has the care, control and management of the road.” This comes with the responsibility of the [Shire/Town/City] approving events in the road reserve. A person planning to undertake an event in the road reserve under the control of the [Shire/Town/City] should first contact the [Shire/Town/City] to obtain information on the relevant permit conditions and approval procedures.

Annexure 1 outlines the process for making an application to the [Shire/Town/City] for approval of an event in a road reserve under the care, control and management of the [Shire/Town/City].

# Policy Objective

To ensure events undertaken in the road reserve under the control of the [Shire/Town/City] are in accordance with the [Shire/Town/City’s <insert title> Local Law] and [if applicable, a Permit Conditions Policy adopted by Council in accordance with the Local Law].

# Policy Statement

All events in the road reserve under the control of the [Shire/Town/City] require a [Road Obstruction Permit or written approval] from the [Shire/Town/City] in accordance with [title of Local Law].

# Policy Scope

This policy applies to events in the local road reserve under the care and control of the [Shire/Town/City].

# Statutory Authority

*Local Government Act 1995*

*Local Government (Uniform Local Provisions) Regulations 1996 (sections 5, 6 and 17)*

*Land Administration Act 1997*

*Road Traffic (Events on Roads) Regulations 1991*

*Public Order in Streets Act 1984*

*Occupational Safety and Health Act 1984*

*Environmental Protection (Noise) Regulations 1997*

[Relevant Local Law]

# Related Policies, Standards, Guidelines and Procedures

The following policies, guidelines and procedures are relevant to this policy:

*Traffic Management for Events Code of Practice* 2017 or latest version (Main Roads Western Australia).

Strategy for Protecting Crowded Places from Terrorism (WA Police Force)

[List as applicable]

# Definitions

**Applicant** means a person who applies for a <permit or written approval>.

**City** means the [City of name – delete if not applicable].

**Duty of care** means the legal duty of all employers, employees and others including contractors and consultants who have an influence on the potential hazards at a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at foreseeable risk of harm. (*Occupational Safety and Health Act 1984* and Traffic Management for Events Code of Practice).

**Event** means those categories of events identified in regulation 3 of the *Road Traffic (Events on Roads) Regulations 1991* and in part 4.1.1 of the Traffic Management for Events Code of Practice 2017.

**Event organiser** means the person, company, public body, association, body corporate responsible for coordinating the application for approval of an event.

**Local Government** means a Local Government established under the *Local Government Act 1995*.

**Local law** means [title of relevant Local Law].

**Permit** means a permit issued under the [title of relevant Local Law].

**Person** means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder.

**Public place** includes any thoroughfare or place, which the public are allowed to use.

**Road reserve** includes the land set aside, gazetted under an enactment, included in a plan of survey as a roads reserve, or commonly used by the public as a road and all verges, traffic islands, median strips and other provisions associated therein for the conveyance or travel of people but does not include tenements or freehold land. (Traffic Management for Events Code of Practice)

**Shire** means the [Shire of name – delete if not applicable].

***Thoroughfare*** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end (*Local Government Act 1995*). This meaning does not include a private thoroughfare, which is not under the management or control of the [Shire/Town/City].

**Town** means the [Town of name – delete if not applicable].

**Traffic management plan** means a document containing Traffic Guidance Schemes and documentation of project details in regard to traffic management at a site. The documentation of project details includes, *inter alia*, responsible personnel, proposed timing of the works, approvals that have been gained, traffic volumes/type details, documentation of risk management and special provisions for specific road user types. (Traffic Management for Events Code of Practice)

# Application to hold an event in a road reserve

## 8.1 Events requiring a [permit or written approval]

Listed below are events requiring a [permit or written approval] as identified in Part 4.1.1 (Event Categories) of the Traffic Management for Events Code of Practice.

|  |  |
| --- | --- |
| **Category** | **Features** |
| 1 | An event which involves large public participation |
| 2 | An event which involves the racing of motor vehicles and does not involve large public participation |
| 3 | An event which involves the racing of non-motorized vehicles, an athletic event or any other event other than a locality or street event which does not involve large public participation |
| 4 | A locality or street event which does not fall within categories 1, 2 or 3 |
| 5 | A public meeting that impacts on a road or a procession comprising three or more persons |
| 6 | Specifically an on-road race meeting or speed test that does not require road closure |

According to part 4.1.2 of the Traffic Management for Events Code of Practice, some on-road activities may not require a full road closure or temporary suspension of traffic regulations therefore will not fall in the above listed categories. If these activities change the traffic environment to the extent that requires road users to actively reduce their speed and/or direction of travel on a road, such activity will be classed as an “event” under the Code of Practice and will require approval from the [Shire/Town/City].

## 8.2 Event on a highway or main road

An event organiser is required to obtain approval from the Commissioner of Main Roads for a proposed event within a road reserve designated as a highway or main road.

For events occurring within multiple roads, i.e. highway or main road and a local road, an event organiser must obtain approval from the [Shire/Town/City] prior to submitting the application to hold the event to the Commissioner of Main Roads.

## 8.3 Event on a local road

In accordance with [title of Local Law], a person is required to obtain a [permit or written approval] from the [Shire/Town/City] prior to holding an event in the road reserve under the control of the [Shire/Town/City].

An application for a [permit or written approval] shall:

1. be in the form determined by the [Shire/Town/City];
2. be signed by the applicant;
3. provide the information required by the form; and
4. be forwarded to the CEO together with any fee imposed and determined by the [Shire/Town/City].

The [Shire/Town/City] may require an applicant to provide additional information reasonably related to the application before determining the application for a [permit or written approval].

The [Shire/Town/City] may require an applicant to give local public notice of the application for a [permit or written approval].

The [Shire/Town/City] may:

1. Approve the application and issue a [permit or written approval].
2. Approve the application and issue a permit subject to conditions.
3. Refuse to approve the application for a [permit or written approval] (whereupon the applicant will receive written notice of the refusal).

## 8.4 Timeframes for applying to hold an event

The [Shire/Town/City] requires lodgement of an application to hold an event within the following timeframes:

* [List as applicable]

## 8.5 Limitations and restrictions

The [Shire/Town/City] will not approve events:

* [List as applicable]

The [Shire/Town/City] may cancel or modify events at any stage due to (but not limited to):

* Extreme weather
* Identified high risks
* Site safety or conditions

## 8.6 Conditions of permit

The [Shire/Town/City] may set conditions associated to a permit to hold an event on land owned or managed by the [Shire/Town/City]. The conditions may include:

* The times and dates approved for the event.
* Compliance with parking restrictions.
* The entity holding the event to have public liability insurance.
* Affected residents to be notified [10 working days] prior to the event.
* Indemnify the [Shire/Town/City] against any claim or action resulting from the event.
* Traffic management plan reviewed and approved by Main Roads WA (if required) and evidence of approval provided.

*Note: Provided in an addendum at the end of this policy template (but does not form part of this policy template) are some examples of permit conditions on events in the road reserve.*

## 8.7 Events requiring road closure

Where an event requires a road closure, the event organiser makes application to the Commissioner of Police under the *Road Traffic Act 1974* using the prescribed form in Schedule 1 of the *Road Traffic (Events on Roads) Regulations 1991*.

If the proposed closed road is a local road, provide the application to the relevant Local Government for consideration of approval. If the proposed closed road is a highway or main road, provide the application to the Commissioner for Main Roads for consideration of approval.

If the road authority approves the application for road closure, lodge the application at the local police station for consideration by the Commissioner of Police.

The application to the Commissioner of Police is required within the following timeframes for the different event categories identified above.

|  |  |
| --- | --- |
| **Category** | **Application timeframe to the <Shire/Town/City> before the event** |
| 1 | <Not less than 6 months prior to the proposed date of the event> |
| 2 | <Not less than 3 months prior to the proposed date of the event> |
| 3 | <Not less than 1 month prior to the proposed date of the event> |
| 4 | <Not less than 1 month prior to the proposed date of the event> |
| 5 | <Not less than 4 days prior to the proposed date of the event>[[1]](#footnote-1) |
| 6 | <Not less than 6 weeks prior to the proposed date of the event> |

## 8.8 Events – public meetings and processions

For public meetings and processions, the event organiser makes application under the *Public Meetings and Processions Act 1984* to the Commissioner of Police.

# Traffic management

In most instances, to fulfil duty of care obligations, events in the road reserve will require traffic management to ensure the safety of all road users and workers/staff associated with the site. The application for a [permit or written approval] shall have attached a traffic management plan endorsed by an appropriately qualified person.

A detailed discussion is required with the [Shire/Town/City] if the event requires closure of roads or major interference to vehicular or pedestrian traffic.

Traffic management plans for events on roads are to be prepared in accordance with the current version of the Traffic Management for Events Code of Practice (Main Roads WA).

# Compliance with and variation of conditions

When an approved application for a [permit or written approval] is subject to conditions or is taken to be subject to conditions, the [permit holder or applicant] shall comply with each of those conditions.

The <Shire/Town/City> may vary the conditions of a [permit or written approval] and the [permit or written approval] shall comply with those conditions as varied.

# Inspections

The [Shire/Town/City] may conduct inspections of the event as appropriate to ensure compliance with conditions of the [permit or written approval].

# Cancellation of permit

The [Shire/Town/City] may cancel by written notice the [permit or written approval] if the [permit holder or applicant] has not complied with a:

1. Condition of the [permit or written approval]; or
2. Provision of any written law which may relate to the activity regulated by the [permit or written approval].

# Annexure 1

1. LG may (1) Approve application and issue permit (or written approval); or (2) Approve application and issue permit (or written approval) subject to conditions; or (3) Refuse the application and issue written notice to applicant
2. LG will review traffic management plan and provide advice to applicant
3. LG will inform applicant of reinstatement and restoration standards required after event

**PLANNED EVENT**

Part 4 Traffic Management for Events Code of Practice (Main Roads WA website) identifies events requiring a permit

Submit application for permit (or written approval). Attach a traffic management plan for approval (if required). An appropriately qualified person must endorse the traffic management plan

Applicant holds event

A Local Government is likely to have a Local Law identifying the requirements for a person to hold an event in the road reserve under the care and control of a Local Government.

An applicant should contact the relevant Local Government (LG) to determine their needs before proceeding with any planned event.

Applicant reinstates/restores LG infrastructure to agreed standard

A detailed discussion is required with the LG if the event requires closure of roads or will cause major interference to vehicular or pedestrian traffic

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# Addendum

Some examples of Permit Conditions include:

* The place or part of the place to which the permit applies.
* The days and hours during which the event can take place.
* The period for which the permit is valid.
* The manner of displaying the permit holder’s name and other details of a valid permit.
* The obtaining of public risk insurance in an amount and on terms reasonable required by the [Shire/Town/City].
* The number, type, form and construction, as the case may be, of any stand, structure or vehicle used in the event.
* Restrictions of the erection of material or external decorations.
* Limitations on the number of persons who may attend the event.
* Prohibitions or restrictions of causing or making of any noise or disturbance that is likely to be a nuisance to persons near the event.
* Prohibitions or restrictions on the use of amplifiers, sound equipment or sound instruments.
* Prohibitions or restrictions on the use of signs.
* Prohibitions or restrictions the use of any lighting apparatus or device.
* The requirement of personal attendance at the event by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder.
* Rectification, remedying or restoration of a situation or circumstance reasonably related to the application.
* The payment of a deposit or bond against damage for an activity that will or may cause damage to [Shire/Town/City] property.
* Submission and adherence to a traffic management plan endorsed by an appropriately qualified person.
* The <Shire/Town/City> reserves the right to cancel the permit for non-compliance of any conditions.

1. Section 5(3)(a) of the *Public Order in Streets Act 1984* [↑](#footnote-ref-1)